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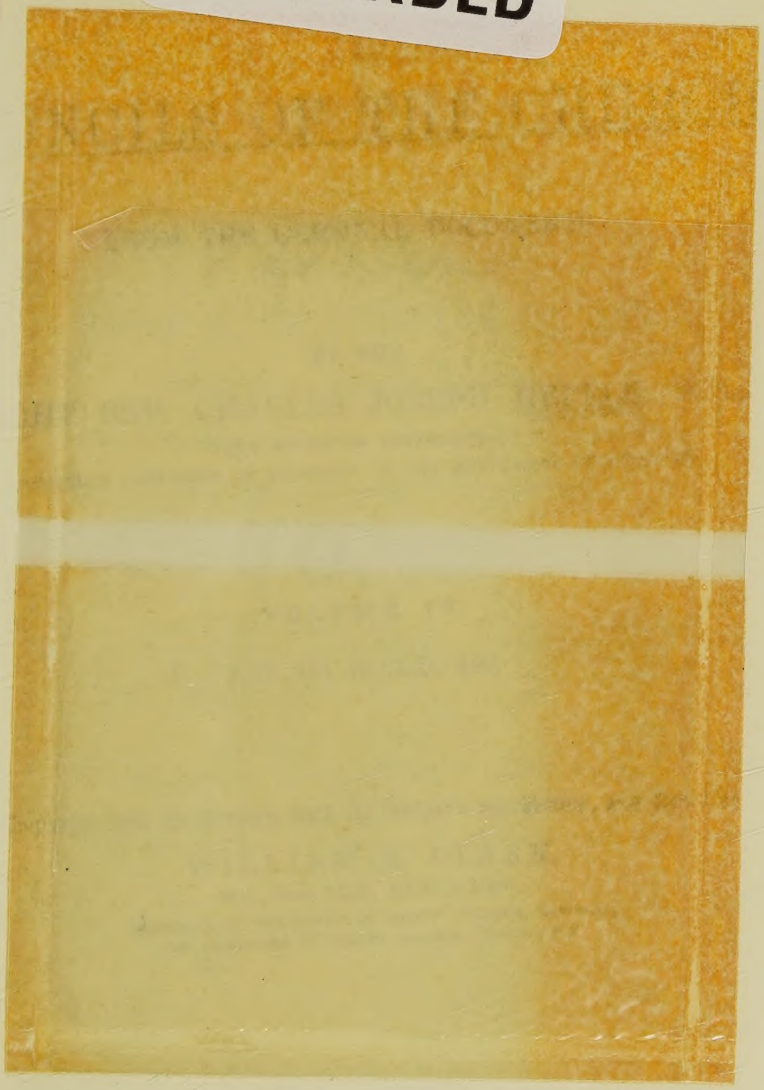

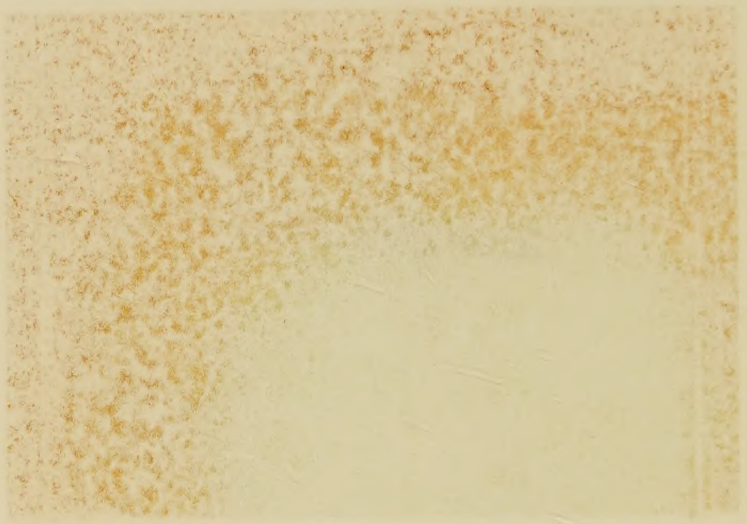

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A HISTORY

OF THE

COUNCILS OF THE CHURCH,

FROM THE ORIGINAL DOCUMENTS.

BY THE

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V.4

VOLUME IV.

A.D. 451 TO A.D. 680.

Translated from the German, with the Author's approbation, and Edited by

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EDINBURGH:
T. & T. CLARK, 38 GEORGE STREET.
1895.

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BISHOP HEFELE'S

HISTORY OF THE COUNCILS OF THE CHURCH.

FROM THE ORIGINAL DOCUMENTS.

Translated from the German, with the Author's Approbation.

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HISTORY OF THE COUNCILS OF THE CHURCH.

PRINTED BY MORRISON AND GIBB,

FOR

T. & T. CLARK, EDINBURGH.

LONDON: SIMPKIN, MARSHALL, HAMILTON, KENT, AND CO. LIMITED.

NEW YORK: CHARLES SCRIBNER'S SONS.

TORONTO: THE WILLARD TRACT DEPOSITORY.

PREFACE.

IT must be confessed that students of the Councils of the Church experience a relaxation of interest when they have passed the great Council of Chalcedon. Those, however, who persevere in their studies will certainly confess that they are amply rewarded for their pains. It is not merely that the history of the Church is continuous, and that the whole can be understood only as we understand the parts; but there is a living interest in the questions and problems which were perpetually coming up for solution in the Church: and the principal controversy handled in the present volume, that of the Three Chapters, is full of instruction in many ways.

In regard to the translation, it may be remarked that no attempt has been made to render the names of ancient places and persons in a uniform manner. Such an attempt would not only savour of pedantry, but would also be inconvenient to the reader. Those forms have been adopted which are generally understood, and, for the sake of clearness, sometimes two forms have been given.

It is hoped that this volume will be found to be as accurate as its predecessors. Every care has been taken to avoid mistakes. If any remain, the Editor will be grateful for corrections. He must add that his special thanks are due to an accomplished friend who has kindly compiled the Index.

A fifth volume will bring the work to the close of the seventh Council, the last acknowledged as œcumenical by the whole Church. The publication of this final volume of the English translation must depend upon the demand for that which is now issued.

W. R. C.

Advent, 1894.

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BOOK XII.

THE LATER SYNODS OF THE FIFTH CENTURY.

SEC. 209. *The First Decade after the Council of Chalcedon.*

NO Synod of great importance was held during the forty-nine years which elapsed between the close of the Council of Chalcedon and the end of the fifth century, although the number of ecclesiastical assemblies held during this period was by no means small. It was natural that soon after the holding of the fourth Œcumenical Council several provincial Synods should assemble. These would meet for one of two purposes, either to give their solemn assent to the decrees of the Council, or else, where the Monophysites had the upper hand, to make their public protest against them. The ancient *Libellus Synodicus*[1] mentions several small Synods belonging to this epoch, which were held at Alexandria, Constantinople, Rome, and Antioch; but neither the exact time of their assembling is given, nor the subject of their transactions.[2] We know more of a Gallican Synod which was held towards the end of the year 451, and so a few weeks after the close of the Council of Chalcedon, at Arles, under the presidency of Ravennius, the archbishop of that diocese. This Synod gave its assent in the most forcible terms to the *Epistola dogmatica* of Leo. The synodal letter addressed to the Pope is No. 99 among the Letters of Leo the Great, and his answer of January 27, 452, is No. 102.[3]

[1] On this book cf. vol. i. p. 78.

[2] Mansi, t. vii. p. 870; Hardouin, t. v. p. 1526.

[3] Leonis *Opp.* ed. Baller. t. i. p. 1107; also in Mansi, t. vi. p. 161.

A Council was held at Alexandria, under the Patriarch Proterius, about the same time, only a little later (A.D. 452), and gave its assent to the decrees of Chalcedon, and deposed Timothy Ælurus,[1] who, as priest, was the spiritual head of the Egyptian Monophysites, as well as four or five bishops and several monks among his followers. We do not possess the Acts of this assembly; but they are referred to by the Egyptian bishops in a communication still in existence which they addressed, several years afterwards, to the Emperor Leo.[2]

Martène and Durandus believed that they had discovered a fragment relating to a Synod held about this time at Fréjus. This fragment, which is reproduced in the collection of Coleti,[3] belongs, however, as Mansi[4] has shown, to the Synodal Letter of the *Concilium Valentinum* (at Valence) of the year 374, which we have already mentioned (vol. i. p. 288). Mention has also been made (vol. iii. p. 167) of the so-called second Council of Arles, which some have assigned to the year 452, but which probably belongs to the year 443. Another Gallican Synod of this period held at Narbonne under the presidency of Rusticus, the archbishop of that place, is ordinarily assigned to the year 452;[5] but which the Ballerini have more accurately assigned to the year 458.[6] The occasion of its being held was a complaint brought by two priests, Sabinian and Leo, against several persons, apparently of distinction, accusing them of adultery. In order to examine into the matter, Rusticus assembled his suffragan bishops and other eminent persons (*honorati*); but the two priests lacked the courage to follow up their accusation, and Rusticus therefore, with the assent of his Synod, inquired of Pope Leo the Great whether they were to be punished or not. He also subjoined a further series of questions on canon law, and indicated his wish to resign. This gave occasion to the Pope for the composition of his 167th epistle, in which he solves the canonical difficulties brought before him, dissuades Rusticus from resigning, and in regard to the two priests

[1] See vol. iii. p. 450.
[2] Mansi, t. vii. p. 525; Hardouin, t. ii. p. 692.
[3] See vol. i. p. 71.
[4] Mansi, t. vii. p. 871.
[5] Mansi, t. vii. p. 898; Walch, *Histor. der Kirchenvers.* S. 314.
[6] In their edition of the works of Leo the Great, t. i. p. 1414, n. 8.

gives his judgment that, as their complaints had been made in the interests of chastity, Rusticus should treat them gently, *ne diabolus, qui decepit adulteros, de adulterii exultet ultoribus.*[1]

To the same year, 458, belongs that Roman Synod of which Pope Leo the Great speaks in his 166th letter to Bishop Neo of Ravenna, and which formerly was erroneously assigned to the year 451 or 452.[2] This Synod gave decisions on several questions: that (1) those who had been taken captive in childhood, and did not remember whether they had been baptized or not, should institute as careful inquiries as might be possible, in order to ascertain the fact. Should these inquiries lead to no result, they might without hesitation receive holy baptism. (2) Those, on the contrary, who had been baptized by heretics, should not be rebaptized, but the power of the Holy Ghost should be imparted to them by the laying on of hands by the bishop.[3]

In the year 453 the epistle of Leo to the Council of Chalcedon (see vol. iii. p. 443) was read at a new Synod, probably at Constantinople; but the second part of it, containing the protest against the 28th canon of Chalcedon, was nevertheless kept back. This we learn from the 127th letter of Leo to Bishop Julian of Cos.[4]

In the same year, 453, on the 4th of October, the election of a new bishop, Talasius, for Angers (*Andegavum*) in Gaul, gave occasion for the holding in this city of a provincial Synod, at which seven bishops were present. These were Eustochius of Tours, Leo of Bourges, Victorius of Mans, Chariaton, Rumorius, Viventius (the sees of these unknown), and the newly-elected Talasius of Angers. The presidency properly belonged to Bishop Eustochius, but in the Acts, Leo of Bourges is named *primo loco*; and it is probable that the latter —as being invited from another province—was requested, as

[1] Leonis *Opp.* ed. Baller. t. i. p. 1415 sq.; Mansi, t. vi. p. 397 sqq., and Sirmond, *Concilia Galliæ*, t. i. p. 111 sqq.

[2] By Baluze in Mansi, t. vii. p. 871. Correctly by Baller. *l.c.* pp. 1405 and 1408, Not. 21.

[3] We learn this from the 166th letter of Leo the Great, already mentioned. Baller. *l.c.* p. 1405 sqq.; Mansi, t. vi. p. 387.

[4] Baller. t. i. p. 1246 sqq.; Mansi, t. vi. p. 266, and t. vii. p. 899.

a matter of courtesy, to assume the presidency. They drew up twelve canons, which are preserved in all the collections of Councils,[1] and contain the following provisions:—

1. Clerics must not appeal to the secular tribunals without the consent of their bishops, and must take no journey without their permission, or without commendatory letters from them.

2. Deacons must honour priests.

3. Every act of violence and maiming of the members is forbidden.[2]

4. Clerics must avoid familiarity with strange women. If they are themselves unmarried, they must for attendants have only their sisters or aunts or mothers. Whoever disregards this prohibition, shall be raised to no higher grade, and, if he is already ordained (*i.e.* if he has already received an ordo major), he shall not discharge his sacred functions. If clerics have assisted in delivering over their towns to the enemy, or in their being taken by them, they shall not only be excommunicated, but it is forbidden to others to eat with them.

5. The same punishment shall be inflicted on those who abandon a course of penitence already begun; and so with women who, of their own accord, fall away from a state of virginity dedicated to God.

6. Any one who marries the wife of another during his lifetime shall be excommunicated.

7. Clerics who abandon their office, and take service in war, shall be deposed by the Church which they abandoned.

8. Monks who travel about unnecessarily shall, unless they amend, be rejected from communion by their abbots and by priests.

9. Bishops are not permitted to confer higher orders upon the clerics of other dioceses.

10. Laymen or clerics who have been ordained as servers

[1] Mansi, t. vii. p. 899 sqq.; Hardouin, t. ii. p. 777 sqq.; Sirmond, *Concilia Galliæ*, t. i. p. 116 sqq. Cf. on this Synod also Tillemont, *Mémoires*, etc. t. xvi. p. 394.

[2] Instead of the ordinary text, "Ut a violentia et crimine perputationis abstineatur,' Hardouin preferred, "Ut a *vinolentia* et crimine *perpotationis*," etc. Perputatio=membri amputatio. Du Cange, *Glossar. s.h.v.*

at the altar (deacons), and refuse to fulfil their office, must be punished. Laymen are not to be excommunicated unless their offence is proved. (That this is the sense of the entirely corrupt text of the second half of our canon, appears from the heading and the notes of Sirmond.[1])

11. Only one who has been married but once, and with a virgin, can be made a deacon or a priest.

12. All who confess their fault shall be admitted to penance, and shall receive absolution in proportion to the greatness of their offence, and according to the judgment of the bishop.

The same which is contained in the first canon of this Synod of Angers was ordained about the same time by another Gallican Synod in the province of Tours, in a brief synodal letter which still exists.[2] There were present the bishops already named, Eustochius, Leo, and Victorius, and besides these perhaps some others, as is indicated in the *Codex Remensis*, which adds to the subscription of the synodal epistle these words: *et ceteri qui adfuerunt episcopi subscripserunt.*[3]

Another Gallican Synod was held in the sacristy of the church of Arles on New Year's Day, probably in the year 455 (*Concilium Arelatense*, iii.). This Synod was occasioned by a quarrel which had broken out between the convent of Lérins,[4] at the head of which stood Abbot Faustus, afterwards, as leader of the semi-Pelagians, the celebrated bishop of Riez, and Bishop Theodore of Fréjus, in whose diocese Lérins was situated. The question arose with reference to their mutual rights, and the contention had become so violent that it had excited great animosity. To put an end to the dispute, the Metropolitan, Ravennius of Arles, summoned this Synod, by means of which peace was brought about, and

[1] Mansi, t. vii. pp. 899 and 903.

[2] Mansi, t. vii. p. 906; *Gallia Christ.* t. ii. p. 7; Sirmond, *Concil. Galliæ*, t. i. p. 119.

[3] Mansi, *l.c.*

[4] On this celebrated convent on the island of Lérins, near the French coast, cf. my treatise on Vincentius Lirinensis in the Tübingen *Quartalschr.* 1854, S. 83, and in the *Beiträge zur Kirchengeschichte*, etc., Tübingen 1864, Bd. i. S. 145 ff.

Bishop Theodore was counselled to forget and forgive the injuries which he had received at the hands of Abbot Faustus. With regard to his rights over Lérins, he was to retain all that was possessed by his predecessor Leontius, namely, that all clerics and servers at the altar should be ordained by him alone, that the chrism should be consecrated only by him, the newly-baptized confirmed by him alone, and that strange clerics from the convent should not be received into communion, or admitted to any office, without his permission. The crowd of laymen in the convent, that is, those of the monks who were not clerics, were to be left to the care of the abbot, and the bishop was to assume no authority over them, and, particularly, was not to confer orders upon any of them without the consent of the abbot.[1]

We have already seen (vol. iii. p. 294) from the *Codex Encyclicus* that a good many provincial Synods were held in the East, in the year 458, for the ratification of the Council of Chalcedon. To the year 450, however, belongs the great Synod of Constantinople, which was held by the patriarch of that place, Gennadius, with eighty other bishops. Of this Synod we possess a synodal letter subscribed by the collective members. In the older editions of the Councils these subscriptions are wanting; but after they had been discovered by Peter Lambecius in an ancient codex, they were transferred into the *Nova collectio conciliorum* of Baluze, p. 1452, and from thence into the collections of Hardouin (ii. p. 783 sqq.) and Mansi (vii. p. 915 sqq.). From these subscriptions we also learn the correct number of the bishops who were present; whilst in the earlier editions the number was given as seventy-three instead of eighty. We also gain assistance from these subscriptions for the determination of the time, since several of the subscribing bishops were Egyptians who had been banished by Timothy Ælurus. They remained in Constantinople, and in the year 457 subscribed a petition to the Emperor Leo (Hardouin, t. ii. p. 691; Mansi, t. vii. p. 530). The synodal letter in question, directed to all metropolitans, and to the *Πάπας Ῥώμης in specie*, forbids

[1] Mansi, t. vii. p. 907 sqq.; Hardouin, t. ii. p. 779; Sirmond, *Concil. Galliæ* t. i. p. 120. Cf. Remi Ceillier, t. xv. p. 605.

the purchase and sale of holy orders, appealing to the well-known saying of the Lord: *Gratis accepistis, gratis date* (Matt. x. 8), and repeating the 2nd canon "of the holy, great, and Œcumenical Synod of Chalcedon." Occasion for the renewal of this prohibition had been given by certain occurrences in Galatia, and the Synod therefore decided that buyers and sellers of holy orders alike, whether clergymen or laymen, whether they were convicted or not, should be deposed from the ministry of the Church, and smitten with anathema. In conclusion, all metropolitans are requested to make this letter known in their provinces.[1]

Sec. 210. *Irish Synods under Patrick.*

Two Synods, held by S. Patrick and his suffragan bishops in Ireland, must be placed shortly after the middle of the fifth century.[2] According to ancient indications, the one must have been held between the years 450 and 456; for the other, on the contrary, we have no indication of the date, and the celebrated Irish scholar, Thomas Moore, in his history of his native land, assigns both to the last years of S. Patrick,[3] with the remark that some of the canons ascribed to these Councils have been recognised as genuine by the most distinguished critics, and from their contents must have belonged to a period when heathenism in Ireland was not yet extinct (*e.g.* canon 8 of the first Synod), but that others must be regarded as of considerably later origin.[4] The canons of these two Irish Synods, together with some other ecclesiastical ordinances ascribed to S. Patrick, are printed in Mansi, t. vi. pp. 513–538; Hardouin, t. i. p. 1790 sqq., and Bruns, *Bibliotheca eccles.* vol. i. pt. ii. p. 301 sqq. In some of these the text is so defective as to be unintelligible, many words having fallen out by the *injuria temporum*. In others it is difficult to discover the real meaning even where the text is accurate. The

[1] Mansi, t. vii. p. 911 sqq.; Hardouin, t. ii. p. 781 sqq.

[2] The subject of S. Patrick is treated at length by Bishop Greith in his work, *Geschichte der altirischen Kirche*, 1867, S. 95–156.

[3] According to some, S. Patrick died in the year 465; according to others, in the year 493. Cf. Greith, *l.c.* S. 137.

[4] Thomas Moore, *History of Ireland*, vol. i.

first Synod had thirty-four, the second thirty-one of these canons, and they refer to very various points of ecclesiastical discipline. The most important of those which are still intelligible are—

i. *Of the First Synod.*

Can. 4. Prohibition of *clerici vagi.*

6. Every cleric must wear a tunic, and must not go without it. His hair must be shaved according to the Roman fashion, and his wife must be veiled when she goes out of doors.

7. Every cleric must be present at matins and vespers.

8. If a cleric becomes security for a heathen, he must, in case of liability, pay for him.

9. A monk and a virgin must not lodge in the same house, nor travel in the same carriage, nor have much conversation with each other.

10. Whoever becomes negligent in the recitation of the psalms, and allows his hair to grow, shall be excommunicated.

11. Whoever receives an excommunicated cleric, falls himself under sentence of excommunication.

12. No alms shall be received from an excommunicated person.

13. The Church must receive no alms from a heathen.

14. Whoever kills, or is guilty of unchastity, or has recourse to a fortune-teller, is liable to penance for a year.

15. Whoever steals must restore the stolen property, and do penance for twenty-one days on bread and water.

16. On sorcery.

17. A virgin vowed to God must not marry.

18. An excommunicated person must not enter the church.

19. If a Christian woman leaves her husband and marries another, she is thereby excommunicated.

23. The sacrifice must not be offered in a church which is not yet consecrated.

28. A suspended cleric (*qui excommunionis fuerit*) must not join in common prayer with his brethren (colleagues).[1]

[1] Cf. Kellner, *Das Buss-und Strafverfahren gegen Cleriker*, Trier 1863, S. 62.

31. A cleric who kills another (in a quarrel) is thereby excommunicated.

32. A cleric must not assist a prisoner to escape; but he may purchase his release.

33. Clerics who come from Britain without *epistolæ formatæ* shall not discharge any sacred function in Ireland.

34. A deacon (monk) who goes into another parish without a commendatory letter from his abbot, shall not discharge any sacred function, and must be punished.

ii. *The Canons of the Second Synod*

have a style quite different from those of the first, are not so simple, copiously quote scriptural phrases, have a more ornate, ambiguous diction, and in many respects betray a later date. They are also often difficult to understand. The following are worthy of special notice:—

Can. 10. Whoever has fallen in an office, shall be restored without the office. He may retain the title, but not the function.

12. If a man has not deserved, while alive, that the sacrifice should be offered for him, of what service can it be to him after his death? Cast not that which is holy to dogs!

16. He who has not been, in accordance with the apostolic command, appointed bishop by another bishop, must be condemned and degraded to a place among the laity.[1]

19. Baptism shall be administered at Easter, Whitsuntide, and Epiphany.

22. The holy communion must be received after confession, which must be made specially before Easter. One who does not then communicate is no believer.

26. An adulteress must return to her first husband.

27. A daughter must be obedient to her father; but the father must also have regard to the wish of his daughter (in regard to her betrothal).

28. A second betrothal does not annul the first.

[1] This is the meaning of the text according to the punctuation of Bruns. According to that of Mansi, on the contrary, it would read: "He who has not been appointed bishop, must be condemned, etc., by another bishop."

29. Marriages are forbidden in the four (first) degrees of relationship.

30. Every fiftieth year is a jubilee.

31. All sins are blotted out by baptism. If, however, a heathen was a Christian in faith some time before his baptism, and yet fell into sin, he must also do penance as a Christian.[1] Mansi has some further canons, which are ascribed to S. Patrick, without, however, asserting that they were passed by a Synod.

Sec. 211. *Synods in Gaul, Rome, Spain, etc., between the Years* 460 *and* 475.

The festival of St. Martin, called *Receptio Domni Martini, i.e.* Reception of S. Martin into heaven, gave occasion for the holding of a Synod of no slight interest at Tours. In order to celebrate this festival worthily on the 11th of November, nine neighbouring Gallican bishops, some of them from other provinces, and even some metropolitans among them, had met at Tours; and with these a Synod was held by Archbishop Perpetuus of Tours, who had, about two months earlier, ascended the throne of S. Martin. This Synod was held on the 14th or 18th of November 461, and passed thirteen canons renewing some earlier decrees:—

1. Priests and Levites are exhorted to perpetual chastity, because they may at any moment be summoned to the discharge of a sacred function (sacrifice, baptism, etc.).

2. The ancient rule, that priests and Levites who continue in the state of marriage are to be excluded from communion, shall be softened to this extent, that such clerics shall no longer be eligible to a higher grade, and shall not be permitted to offer the holy sacrifice or to assist (as Levites). The communion, however, is to be given to them. Drunkenness among the clergy must also be punished.

3. Clerics must have no intercourse with strange women, on penalty of exclusion from the communion.

4. Clerics who venture to marry must not marry widows. Whoever does so must have the lowest place in clerical service.

[1] Mansi, t. vi. pp. 519–522, and t. vii. p. 1187 sqq. The latter are taken from Wilkins' *Concil. Britann.* t. i.

5. A cleric who leaves his office and engages in lay work or in war must be excommunicated.

6. Anyone who has (carnal) intercourse with virgins dedicated to God, or leaves the monastic state, must in either case be excommunicated.

7. No intercourse whatever must be held with murderers until they have atoned for their crime by confession and penance.

8. Anyone who, after taking the vow of penance (*pœnitentia = votum continentiæ*), does, like the dog returning to his vomit, go back to worldly pleasures, must be excluded from the communion of the Church, or from intercourse with the faithful, so that he may the more easily be reformed. Cf. Kober, *Kirchenbann*, Tüb. 1863, S. 58 and 379.

9. A bishop who intrudes into the diocese of another, must be shut out from the communion of all his brethren.

10. Unlawful ordinations are inoperative,[1] unless satisfaction is made for them (to the bishop whose diocese has been invaded).

11. A cleric who leaves his church without permission of his bishop, and resorts to another place, must be shut out from communion.

12. Clerics are not allowed to travel in other provinces or cities without the permission of their *Sacerdotes* (bishops).

13. Clerics who engage in business must make no profit by it (or take no interest: *usuras ne accipiant*).

These thirteen canons are subscribed by Perpetuus of Tours, Victorius of Mans, Leo of Bourges, Eusebius of Nantes, Amandinus of Chalons, Germanus of Rouen, Athenius of Rennes, Mansuetus, bishop of the Britons (probably Bretons, Britanny), and Talasius, bishop of Angers. A tenth bishop of the name of Verandus, whose see is not mentioned, being blind, was represented by the signature of his presbyter, Jocundinus.[2]

In the following year, 462, Pope Hilarius held a Roman

[1] By *in irritum devocamus* (sc. *ordinationes illicitas*) is not meant that they are invalid in the modern sense, but inoperative through suspension. Cf. Hergenröther, *Photius*, etc., Bd. ii. S. 325.

[2] Mansi, t. vii. p. 943 sqq.; Hardouin, t. ii. p. 793 sqq.; Sirmond, *Concil. Galliæ*, t. i. p. 123 sqq. Cf. Remi Ceillier, *l.c.* p. 607; Tillemont, t. xvi. pp. 399 and 772.

Synod. Archbishop Rusticus of Narbonne, mentioned before (p. 580), had consecrated his archdeacon, Hermes, to be bishop of Béziers; and when this city did not accept him, he recommended him as his own successor in the see of Narbonne. As a matter of fact, Hermes succeeded to this see; but Prince Frederick, the brother of Theoderic, king of the Goths, and others complained of the matter at Rome, and Pope Hilarius, in consequence, in November 462, requested Archbishop Leontius of Arles, as primate of Gaul, to furnish him with information on the subject. His letter to Leontius (Ep. 7) is in Mansi, t. vii. p. 933. But Bishop Faustus of Riez (see above, p. 583) and Auxanius of Aix, bishops of the province, were already on their way to Rome, as representatives of their colleagues, in order to give the Pope full information by word of mouth; and, after their arrival, Hilarius, on the anniversary of his ordination, November 19, 462, held in Rome a largely-attended Synod, consisting of bishops from various provinces, who confirmed Hermes in the bishopric of Narbonne, but withdrew from him the metropolitical right of ordaining other bishops, and assigned this right, during the lifetime of Hermes, to the senior suffragan bishop of the province. The Synod here evidently adopted a middle course. The ancient canons had plainly declared as invalid the appointment by a bishop of his own successor (see vol. i. p. 488, vol. ii. p. 73); but this severe punishment was not here in place, because Rusticus of Narbonne had not appointed Hermes his successor, but had only recommended him. On the other side, it was demanded by the interests of free election that even such recommendations should not go uncensured; and therefore the Synod felt bound to pronounce a decree of punishment upon Hermes. It is probable that the same Synod promulgated also those further ordinances which were given by Pope Hilarius in the letter in which he informed the Gallican bishops of the decree in the matter of Hermes.[1] These ordinances required that great Councils should be held annually from different provinces under the presidency of the archbishop of Arles and at his invitation, but that the most

[1] Mansi, t. vii. p. 943 sq.; Sirmond, *Concil. Galliæ*, t. i. p. 129 sq. Cf. Remi Ceillier, *l.c.* p. 614.

difficult cases should be carried to Rome. They further decreed that no bishop should travel in a foreign ecclesiastical province without a letter from his metropolitan; that no one should receive a strange cleric without a testimonial from his bishop, and that no bishop should alienate any Church property without the previous knowledge of the Synod.

If Pope Hilarius had in this case decided a Gallican question in a Roman Synod, it was not long afterwards that he recommended that another controversy which had arisen in Gaul, and had been brought before him, should be examined at a Gallican Synod. So early as the year 450, Pope Leo the Great had divided the province of Vienne, so that only Valence, Tarantaise, Geneva, and Grenoble remained in Vienne, whilst the remaining bishops were to belong to the metropolis of Arles.[1] Without regard to this, Archbishop Mamertus of Vienne, the same who introduced the Rogation processions, consecrated a bishop for the city of Die, which, in accordance with the ordinance of Leo, belonged to Arles, and this notwithstanding the protest of the inhabitants of the city. On the complaint of the Burgundian King Gundiac, to whom Die and Vienne belonged, Pope Hilarius, on the 10th of October 463, gave commission to Archbishop Leontius of Arles to summon a great Council out of various provinces for the examination of this question, and to inform him of the result at Rome.[2] At the same time he despatched a circular on the subject to the bishops of the provinces of Vienne, Lyons, and Narbonne i. and ii.[3]

In compliance with the papal instructions, Leontius immediately assembled a Synod (certainly at Arles itself); and the Synod despatched one of its members, Bishop Antonius, to Rome, in order that the Pope might have more accurate intelligence. The Acts of this Synod are completely lost, and all that we know of it comes from the answer which the Pope sent to the twenty (with Antonius twenty-one) bishops who had come together (Feb. 24, 464). In this letter he says

[1] Leonis *Ep.* 66, *ad episcop. Metrop. Arelat.* ed. Baller. t. i. p. 988 sq.; also in Mansi, t. vi. p. 76. Cf. Wiltsch, *Kirchl. Statistik*, Bd. i. S. 98.

[2] Mansi, t. vii. p. 936; Sirmond, *l.c.* p. 131.

[3] Mansi, t. vii. p. 937; Sirmond, *l.c.* p. 134.

—That it has already been decreed by the imperial laws, that the decisions which the papal see thought necessary for the bounding of dioceses, must be received with reverence and accurately observed,[1] that therefore Mamertus of Vienne and the bishop of Die, ordained by him, had deserved to be deposed, but that the Pope desired to show clemency, and therefore he commissioned Bishop Veranus (one of the twenty), as papal legate, to explain to Mamertus that, unless he recognised his proper place and submitted himself to the judgment of Leo in regard to the boundaries of his province, he would be deprived of the four suffragans who still remained to him. The illegally appointed bishop of Die, however, was to receive further confirmation from Leontius of Arles, and thus be made a regular bishop.[2]

Soon afterwards Pope Hilarius had occasion to intervene also in the affairs of the Spanish Church. The bishops of Tarragona, who had assembled at a Synod in the year 464, with their archbishop, Ascanius of Tarragona, at their head, had appealed to Rome for two matters: one, because Bishop Silvanus of Calahorra of the same ecclesiastical province had arbitrarily ordained several bishops, and even had consecrated a priest who belonged to another diocese, making him a bishop by violence in opposition to his will. The Pope was requested to decide what was to be done with Silvanus and the bishops consecrated by him.[3]

The second case had reference to the Church of Barcelona. Bishop Fundinarius of Barcelona, when on the point of death, had designated as one whom he wished to be his successor, Irenæus, whom he had previously appointed as bishop (*chorepiscopus*) over another part of his diocese; and the provincial Synod at Tarragona had confirmed this designation. The

[1] Bower (*Hist. of the Popes*, vol. iii.) and Walch (*Gesch. der Päpste*, S. 109) lay great stress upon the fact that the Pope himself here allows that the right to determine the boundaries of dioceses and ecclesiastical provinces was derived from the Emperor. But Hilary does not say this, but only that even the Emperors had recognised this papal right, and had enforced the observance of the papal ordinances on this subject.

[2] Mansi, t. vii. p. 938 sqq.; Sirmond, *l.c.* p. 132 sqq.

[3] Mansi, t. vii. p. 924 sq.; Hardouin, t. ii. p. 787; Gams, *Kirchengesch. v. Spanien*, Bd. ii. Thl. i. S. 430 ff.

bishops of the Synod wished for the expression of the assent of Rome also to this arrangement, and requested this in writing, with the remark that similar cases had often occurred with them.[1]

Pope Hilarius, in November 465, again on the anniversary of his consecration, held a larger Synod, consisting of forty-eight bishops, in the basilica of Santa Maggiore, called also the Liberian basilica, in Rome. This Synod drew up five canons:—

1. In regard to ordinations, the prescriptions of the divine law and the definitions of Nicæa must be strictly observed.

2. Whoever marries one who is not a virgin, or marries a second time, must not be raised to the higher grades of the ministry.

3. The same rule shall apply to the unlearned, the maimed, and those who have done penance. Whoever has ordained such, shall declare his act undone (*factum suum dissolvet*).

4. Every bishop must condemn anything uncanonical done by himself or his predecessors; in which case he shall be treated with clemency. Whoever, on the contrary, is obstinate, and refuses to undo what is wrong, must be punished. All present gave, by acclamation, loud approval to this canon.

5. Many believe that in Spain a bishopric might be inherited like any other office. Many bishops of that country, when on the point of death, designate their successors, so that no elections take place. This is not allowed. Compare above, p. 12.

For the more accurate information of the members of the Synod, Hilarius had the two letters read at once, which he had received from the bishops of the ecclesiastical province of Tarragona on the two matters under dispute, namely—(1) the succession to the see of Barcelona, and (2) the irregular ordinations which Silvanus had held. The bishops present gave their judgment, partly by individual votes, and partly by general acclamation, to the effect that neither of these things should have occurred, and expressed their full approval of the canons which had been drawn up.[2]

[1] Mansi, t. vii. pp. 962 and 926; Hardouin, t. ii. p. 801; Gams, *l.c.*

[2] Mansi, t. vii. pp. 959–964; Hardouin, t. ii. pp. 799–802; Cf. Remi Ceillier, *l.c.* p. 616; Tillemont, *Mémoires*, etc. t. xvi. pp. 46 and 737.

In consequence of the decree of this Roman Synod, Hilarius sent a letter to the bishops of the province of Tarragona, in which the following three leading propositions were laid down:—

1. That Ascanius was not for the future to ordain any bishop in the province without the assent of the metropolitan.

2. That Irenæus must at once give up the bishopric of Barcelona, and the clergy there elect another bishop. If Irenæus refused, he should lose also the other bishopric which he held.

3. That the bishops irregularly appointed by Silvanus must be deposed, together with their consecrator; yet that the Pope would, in his clemency, recognise them, on condition that two bishops did not come into one city, and that they were not *bigami*, or uneducated, or maimed, or had previously done penance.[1]

In the same year, 465, a Synod was held at Vennes or Vannes (Venetia) in Britanny (*Concilium Veneticum*), when Paternus was ordained bishop of this city by the Metropolitan Perpetuus of Tours (see p. 10). There were six bishops present, and these published a synodal letter, still extant, to their colleagues, Victorius of le Mans and Talasius of Angers, in which they put forth sixteen canons, most of them only repeating earlier ordinances:—

1. Murderers and false witnesses are to be excluded from communion.

2. Those who leave their wives on account of unchastity, and without proof of the adultery marry others, are to be excluded from communion. (If a man repudiated his wife because of adultery and married another, this was disapproved of, yet was not visited with ecclesiastical penance by the Synod of Arles, A.D. 314 (cf. vol. i. p. 189).)

3. Penitents who have again interrupted their public penance, and have returned to their former aberrations, and to a worldly life, are not only to be shut out from the reception of the sacraments of the Lord (*a communione dominicorum sacramentorum*), but also from intercourse with the faithful (*a conviviis fidelium*).

[1] Mansi, t. vii. p. 927 sqq.; Hardouin, t. ii. p. 788.

4. Virgins who, after having dedicated themselves to God, and on this promise have been ordained, fall away (*in adulterio deprehensæ*, inasmuch as they, being brides of the Lord, in every act of unchastity, commit adultery), shall, with the partners of their sin, be shut out from communion.

5. Clerics must not travel without a testimonial from their bishop.

6. The same with monks. If they disobey, they are to be beaten.

7. Monks must not separate from their community and inhabit separate cells, unless with the permission of the abbot, when they have been proved, or are sick, so that they may be dispensed from the stringency of their rule. But even in this case their separate cells must be within the walls of the monastery, and they must remain under the supervision of the abbot.

8. Abbots are not to have several monasteries or dwellings; yet in case of hostile assaults (from danger in war) they may have a residence outside of their monastery in a walled town.

9. Clerics must not bring their cases before the secular tribunals. (Cf. Kober, *Kirchenbann*, etc., S. 235.)

10. A bishop must not raise a cleric from another diocese to higher ecclesiastical dignities.

11. Priests, deacons, subdeacons, and all those who are themselves forbidden to marry, must not be present at the marriages of others, nor yet in companies where love songs are sung and indecent gestures are used at dances, etc.

12. Clerics are not to eat with Jews.

13. They are particularly to keep themselves from drunkenness. A cleric who has been intoxicated must, according as his *ordo* allows, either be excluded from communion for thirty days, or receive corporal chastisement.

14. A cleric in the city who is absent from matins without sufficient excuse on account of sickness, must be excluded from communion for seven days.

15. In the province there shall be one ritual and one and the same kind of singing.

16. The *sortes sanctorum* and similar ways of searching into the future are forbidden.[1] Clerics who have recourse to them are to be excommunicated.[2]

A Synod was held at Chalons sur Saone (*Cabillonum*) about the year 470, concerning which we receive the following information from a letter of a celebrated Church writer of the period, Sidonius Apollinaris, to Domnulus. When, after the death of Bishop Paulus of Chalons, the Metropolitan Patiens of Lyons, with Euphronius of Autun and several others of his suffragans, had come into that city in order to hold a Council and to ordain a new bishop, they found several parties there, of which each one, from selfish reasons, wished to elect a different bishop. In order to put an end to this party action, the metropolitan, after previous consultation with his bishops, laid hold of the priest and former Archdeacon John, and immediately consecrated him bishop, without his having the least warning of it. All good men expressed approval, and the wicked were quite confounded, and did not venture to raise any objection to one so universally known for his uprightness as John.[3]

A Synod was held at Antioch, A.D. 471, and at this the intruded Monophysite Patriarch Peter Fullo (see above vol. iii. p. 451) was deposed. Julian was elected in his stead, and Peter was banished by the Emperor Leo. This is shown in considerable detail by Pagi, to whose discussion for shortness we may refer the reader.[4]

[1] The *sortes sanctorum* (sc. *bibliorum*) consisted in opening the Bible (or the works of the Fathers of the Church) and taking the first verse that the eye lighted upon as an answer to the question which one had *in petto*. It was a superstition that had come over from heathenism, since the Greeks and Romans, in order to discover the future, opened Homer or Virgil at random and regarded the first verse that presented itself as an oracle. Cf. the art. "Sortilegium" in Wetzer and Welte's *Kirchenlexicon*.

[2] Mansi, t. vii. p. 951 sqq.; Hardouin, t. ii. p. 795 sqq.; Sirmond, *Concilia Galliæ*, t. i. p. 137 sqq. Cf. Remi Ceillier, *l.c.* p. 609; Tillemont, *l.c.* p. 401 sq.

[3] Sidon. Apoll. lib. iv. ep. 25 in the *Biblioth. Max. PP.*, Lugd. t. vi. p. 1100, reproduced by Mansi, t. vii. p. 998, and in Sirmond, *Concilia Galliæ*, t. i. p. 141.

[4] Pagi, *Critica in Annales Baronii, ad. ann.* 471, n. 3–7 incl. Cf. Mansi, t. vii. p. 999.

The above-named Sidonius Apollinaris gives us information of another Synod which was held, A.D. 472, in Bourges. The bishop of this metropolis was dead, and the suffragans assembled for the consecration of his successor (*Concilium Bituricense*). Among the suffragan sees of the metropolis of Bourges was that of Clermont in Auvergne, which had been occupied since A.D. 471 by Sidonius Apollinaris. Although the youngest among his colleagues, he seems, however, as the most able, to have had the chief management of the whole matter. He sent invitations, in two letters which are still extant, to the Metropolitan Agræcius of Sens, and Bishop Euphronius of Autun, although they belonged to other provinces, requesting them to come to the help of the orphaned see of Bourges and assist in having it reoccupied, since the people were split into a number of parties, and under the influence of bribery were even inclining to Arianism. In fact, Agræcius came to Bourges, but even his presence did not avail to reconcile the parties, and at last they left the election of the new bishop to Sidonius Apollinaris. He delivered a fine discourse to the people assembled, designating Simplicius, whose life he briefly sketched, as the worthiest for the position, and solemnly proclaiming him as metropolitan of Bourges.[1]

About the same time, between A.D. 471 and 475, a Synod was held by Archbishop Mamertus of Vienne, already mentioned, in his episcopal city, in order to obtain the concurrence of his colleagues in the use of the processional litanies of intercession and fasts which he had instituted on the three days preceding Ascension Day, on account of earthquakes, thunderbolts, and other calamities. He had also invited the celebrated Archbishop Remigius of Reims to the Synod; but the latter excused himself on account of his great age, and sent the priest Vedastus as his representative.[2]

[1] Sidon. Apoll. lib. vii. ep. 5, 8, and 9 (in the last letter Sidonius gives his discourse mentioned above) in the *Biblioth. Max. PP.*, Lugd. t. vi. pp. 1109 and 1111; also printed in Mansi, t. vii. p. 999, and in Sirmond, *Concilia Galliæ*, t. i. p. 142 sqq.

[2] Mansi, t. vii. p. 1006; Tillemont, t. xvi. p. 112; *Histoire littér. de la France*, t. ii. p. 442.

Sec. 212. *Synods at Arles on the Doctrine of Grace in the Years* 475–480.

Two other Gallican Synods at Arles and Lyons, between 475 and 480, were occasioned by the Gallican priest Lucidus, the first who was known as a Predestinarian.[1] Prosper Tiro indeed says in his *Chronicle* that, in the twenty-third year of the Emperor Honorius, that is, A.D. 417, the sect of the Predestinarians arose through a misunderstanding of the writings of Augustine on predestination; and many have followed him in this.[2] On the other hand, the learned Cardinal Noris (*Hist. Pelagiana*, lib. ii. c. 15, p. 178 sqq. ed. Patav. 1677) showed that this could not possibly be correct, that in the time of Prosper there were as yet no Predestinarians, and that only the Semipelagians had maliciously reproached the true Augustinians with predestinationism. Not until the second half of the fifth century, he argued, were genuine Predestinarians to be found, and these mostly uneducated and unimportant people, who had allowed themselves to be urged on, by the sophistical objections of the Semipelagians, from their original Augustinian point of view to an extreme predestinationism.

Among these Noris numbers especially the priest Lucidus and a certain Monimus from Africa, who maintained that a portion of mankind was predestined by God to sin. On this point he was opposed by S. Fulgentius of Ruspe. The latter mentions that several others had denied human liberty, and ascribed all to grace (see Noris, *l.c.* p. 184). Such was also the opinion of Lucidus. Unfortunately we know very little of him or of the two Gallican Synods who sat in judgment upon him, and this little only from Faustus of Riez, who himself was not orthodox on the doctrine of grace, and, in opposition to Lucidus, was entangled in Semipelagian error.

From a letter of Faustus to Lucidus we learn that the

[1] Mangin, in his work, *Veterum Auctorum, qui* ix. *Seculo de prædestinatione et gratia scripserunt*, etc., Paris 1650, t. ii. p. 165, maintains that this Synod of Arles, as well as that of Lyons (see at the end of this section) were invented by the Semipelagians.

[2] In the *Biblioth. Max. PP.*, Lugd. t. viii. p. 201.

former had already repeatedly by word of mouth warned the other of his error, but in vain. This letter, however, was written about the time when the Metropolitan Leontius of Arles convoked in his episcopal city a great Synod of thirty bishops, among them several metropolitans, about the year 475, in order to repudiate the predestinarian heresy. Faustus here wrote to Lucidus, representing that, as the bishops were already thinking of his suspension, he would, from love to him, once more endeavour by writing to bring him back from his error, although he thought there was little hope of this. He would quite briefly specify the points which must be recognised by Lucidus. He must (in general) always unite with the grace of God the agency of the baptized man, and condemn whoever excluded the co-operation of man and taught mere predestination on the one hand, just as he must condemn Pelagius on the other. Thus he must anathematise (1) anyone who, like Pelagius, denies original or hereditary sin and the necessity of grace; (2) anyone who maintains that the baptized and orthodox Christian, who becomes a sinner, is lost through Adam and original sin;[1] (3) anyone who maintains that it is through the foreknowledge of God that a man is thrust down to death (of the soul); (4) anyone who maintains that whosoever is lost (*i.e.* of the baptized, and of the heathen those who could have believed) had not received the grace by which he could have laid hold of salvation; (5) anyone who should say that a vessel of dishonour could not raise itself so as to become a vessel of honour; (6) anyone who should say that Christ did not die for all men, and did not will that all men should be saved.

If Lucidus would come of his own accord to Faustus, the latter said, or were summoned by the bishops, he would lay before him at length the proofs for the orthodox doctrine. He adds: "We, however, maintain that whoever is lost by his own fault, could have obtained salvation through grace if he had co-operated with it; and that, on the other side, whosoever through grace attains, by means of his own co-opera-

[1] Faustus, on the contrary, would say that "as original sin is forgiven in baptism, a sinful Christian must fail, not through Adam and original sin, but through misuse of his liberty."

tion, to the goal of perfection, might also, through his negligence and his own fault, have fallen and been lost. We yet exclude all personal pride, since we maintain that we receive all from the hand of God as a gift, not as a reward." He intimates that Lucidus should express himself on these points as soon as possible, and that if he did not send back a subscription to the contents of his letter, he should have to appear publicly before the Synod as his accuser.[1]

In one manuscript this letter is subscribed by Faustus alone, in another by ten other bishops, so that we may improve upon the supposition of Noris (*l.c.* p. 185) by the suggestion, that Faustus may have sent it first from himself, and then, in order to give greater importance to the matter, may have had a second copy signed by ten of his colleagues, who perhaps had assembled at a preliminary Synod, held in preparation for the appointed greater Council, and sent it to Lucidus. The latter, seeing the seriousness of the matter, subscribed, as Faustus had wished, and this subscription of his is still found appended to the letter in question.[2]

Besides this, Lucidus addressed a letter to the thirty bishops assembled at Arles,[3] in which he says that the Synod had drawn up certain *statuta predicandi* (forms of teaching), and that Lucidus, in accordance with these, now condemned (1) the opinion, that the work of human obedience towards God (*i.e.* human co-operation) must not be united with divine grace; and also (2) the assertion, that through the fall of the first man freewill had been entirely annihilated; (3) the assertion, that Christ did not die for the salvation of all men; (4) the assertion, that the foreknowledge of God powerfully constrains men to spiritual death, and that whoever perishes is lost with (*cum*) the will of God; (5) the assertion, that whoever sins after valid baptism, dies in Adam (*i.e.* is not lost in consequence of his own sinful actions; see above); (6) the assertion, that some are destined (*deputati*) to death, and

[1] Mansi, t. vii. p. 1007 sqq.; Hardouin, t. ii. p. 806 sqq.; Sirmond, *Concilia Galliæ*, t. i. p. 147 sqq.

[2] Mansi, *l.c.* p. 1010; Hardouin, *l.c.* p. 808; Sirmond, *l.c.* p. 150.

[3] Cellotius was of opinion that this letter of Lucidus was addressed to the somewhat later Synod of Lyons; Noris, on the contrary (*l.c.* p. 186*b*), thinks it more probable that it was addressed to the earlier Synod at Arles.

others predestinated (*prædestinati*) to life; (7) the assertion, that from Adam to Christ no heathen has obtained salvation through the *gratia prima* of God, that is, through the natural law, hoping in the coming of Christ, inasmuch as all had lost freewill in their first parents; (8) the assertion, that the patriarchs and prophets and saints had been in Paradise even before the time of redemption. All these propositions, he said, he condemned as impious and sacrilegious, but the doctrine of grace he held fast, in such a sense as not to exclude human effort; and he maintained that the freewill of man was not annihilated, but only weakened and diminished (*attenuatam et infirmatam*); further, that one who was in a state of salvation should yet be conscious of the danger of falling, and, on the other side, that one who was lost might have obtained salvation. He said he had formerly maintained that Christ had come into the world only for the sake of those of whom He knew beforehand that they would believe; but that now he acknowledged that Christ had also come for the sake of those who are lost, and that they are lost *eo nolente*. Finally, he said, he maintained that some had obtained salvation through the law of grace, others through the law of Moses, others again through the law of nature, which God had written in the hearts of all, in hope of the coming of Christ; but that from the beginning of the world, on account of our union with our first parents, no one had been saved in any other manner than through the mediation of the holy blood of Christ.[1]

We learn further from Faustus of Riez that Archbishop Leontius, in agreement with the Synod of Arles, commissioned him to write out at full length in a book all that was transacted at the Synod on the doctrine of grace and in opposition to the Predestinarians. In fulfilment of this commission, Faustus composed his two books, *de gratia Dei et humanæ mentis libero arbitrio*, in the prologue to which, addressed to Leontius, he sets forth the matter just referred to;[2] but his

[1] Mansi, t. vii. p. 1010; Hardouin, t. ii. p. 809; Sirmond, *Concilia Galliæ*, t. i. p. 150 sq.

[2] Noris, *l.c.* p. 177; Mansi, t. vii. p. 1007; Hardouin, t. ii. p. 805; Sirmond, *l.c.* p. 147 sq.

work is composed in a thoroughly Semipelagian sense, and under the show of combating predestinarianism, he carries on a continuous warfare against Augustine. At the end of the prologue he further states: "Because at the end of the Synod of Arles, and after all had subscribed its decrees, new errors emerged (probably new predestinarian views), it was ordered by a fresh Synod at Lyons that something should be added to the treatise *de gratia Dei*," etc.

We have no further particulars of this *Lugdunense Concilium*, unless we are to refer to this Synod the note which is found in some old conciliar manuscripts to this effect: The holy Archbishop Patiens of Lyons laid before this Synod a book, *De ecclesiasticis dogmatibus*.[1] It is supposed that this book was a treatise of Gennadius which bears this very title; and if so, then the Semipelagian tendency, represented by the dominating intellect of Faustus, prevailed no less at the Synod of Lyons than at the Synod of Arles.

SEC. 213. *Synods on the Affairs of the Greek and Oriental Churches.*

We learn from the *Church History* of Evagrius[2] that, in the year 475 or 477, a Synod had been held at Ephesus under the presidency of the Monophysite Patriarch Timothy Ælurus of Alexandria (see vol. iii. p. 450). The Emperor Basilicus had, in a special decree, declared the fourth Œcumenical Synod of Chalcedon invalid, and deprived the patriarchal see of Constantinople of the prerogative which had been assigned to it at Chalcedon (see vol. iii. p. 411), because Bishop Acacius had refused to subscribe this decree. The Emperor soon saw himself under the necessity of repealing this decree and becoming reconciled with Acacius. This gave occasion to Timothy Ælurus of Alexandria to hold a Synod at Ephesus in order to meet this change of circumstances. Dominated by Timothy, the bishops, although

[1] Mansi, *l.c.* p. 1011; Hardouin, *l.c.* p. 810; Sirmond, *l.c.* p. 152; Noris, *l.c.* p. 177; Remi Ceillier, *l.c.* p. 620.

[2] Book iii. cc. 5 and 6. Cf. the notes of Valesius on the passage.

many of them were not Monophysites,[1] nevertheless voted a memorial to the Emperor, requesting that he would continue the old decree and the disallowance of the Council of Chalcedon. They also replaced in his bishopric the dispossessed Bishop Paul of Ephesus, declared the privileges of the patriarchate of Constantinople abolished, restored to the see of Ephesus the exarchal rights which it formerly possessed (see vol. iii. p. 375), and pronounced the deposition of Acacius of Constantinople.[2] It is, however, a mistake to suppose that this Synod had also confirmed Eutychianism. This would not have been done even by Timothy Ælurus; for, when the Eutychian monks came to him and hoped for his support, he expressed himself decisively in opposition to the tenets of Eutychianism, saying that "the flesh of Christ (*i.e.* His humanity) was essentially the same as ours."[3]

Evagrius informs us (lib. iii. c. 6) that Timothy Ælurus returned to Alexandria after the ending of this Ephesian Synod, in order here also to secure the rejection of the Council of Chalcedon; and the *Libellus Synodicus* adds that at Alexandria, too, he got up a Synod, and thereby attained the end mentioned.[4] The same *Synodicon* speaks further of a Council which was assembled at Cyrus in Syria, in the year 478 (not 482, as Hardouin erroneously supposed), by John, bishop of that place. At this Synod an anathema was pronounced on Peter Fullo, the Monophysite intruder into the see of Antioch.[5]

About the same time, after the overthrow of the Emperor Basilicus, Peter Fullo was deposed at an Antiochene Synod also, and John of Apamea was raised to the throne of Antioch. Not long before Peter Fullo himself had raised this John of Apamea to the episcopate. As, however, the citizens of this

[1] This is shown by Mansi, *l.c.* p. 1015.

[2] Mansi, t. vii. p. 1013–1016. Cf. the remark of Valesius in Evagrius, *Hist. Eccl.* lib. iii. c. 5.

[3] Mansi, *l.c.* p. 1015.

[4] In Hardouin, t. v. p. 1526; Mansi, t. vii. pp. 1175 and 1018. Hardouin gives in the margin the incorrect date 481. Timothy Ælurus had died in 477. On the *Libellus Synodicus*, cf. vol. i. p. 84.

[5] Mansi, *l.c.* pp. 1018 and 1175; Hardouin, t. v. p. 1527. On Peter Fullo, cf. vol. iii. sec. 208.

city would not receive him, he had returned to Antioch, joined the party of opposition, and supplanted his former consecrator. But he too, after three months, was in his turn deposed by a new Synod held at Antioch, which confirmed the Council of Chalcedon, and a pious man, of the name of Stephen, was raised to the throne of that city. In a synodal letter which he immediately afterwards addressed to the Patriarch Acacius of Constantinople, he informed him of his consecration and the deposition of both Peter Fullo and John of Apamea.[1] Hereupon Acacius, in the year 478, held a *σύνοδος ἐνδημοῦσα* in Constantinople, at which these proceedings were confirmed, and Peter Fullo was anathematised, especially because he had added to the *Trisagion* the words, "who was crucified for us," by which he intended to imply that the triune God had undergone the death of the cross (see vol. iii. sec. 208).

In reference to this Synod, we possess also a letter, discovered by Lucas Holstenius, written by Pope Simplicius to Acacius of Constantinople, and also the synodal letter to Peter Fullo, drawn up by Acacius,[2] which belongs not to the year 483, as was previously supposed, but to the year 478, as Mansi, following the lead of Pagi, has shown (*l.c.* p. 1019). Mansi has also pointed out that, very soon afterwards, Pope Simplicius also held a Synod at Rome, and in like manner pronounced anathemas on Peter Fullo, John of Apamea, and Paul (of Ephesus). Of this Roman Synod we possess still two letters addressed to Peter Fullo,[3] which have been, in the Collections of the Councils since Binius, attributed erroneously to Pope Felix III. and his Synod of the year 485, but which, in fact, belong to Pope Simplicius and his Synod, as has been shown by Pagi (*ad ann.* 478, n. 9 sqq.).

As we saw, Stephen was raised to the throne of Antioch in the year 478. When he died in the year 481[4] another Stephen was appointed his successor by a new Antiochene

[1] Mansi, t. vii. pp. 1018 and 1175; Hardouin, t. v. p. 1527. Compare the treatise of Valesius, *de Petro Antiocheno*, c. 2, in the Appendix to his edition of the *Ecclesiastical History* of Evagrius.

[2] In Mansi, t. vii. p. 995 sqq. and p. 1121; Hardouin, t. ii. p. 842.

[3] In Mansi, t. vii. p. 1037 sqq.; Hardouin, t. ii. p. 817 sqq.

[4] In opposition to Tillemont (t. xvi. p. 316) and Remi Ceillier (p. 621), I follow here the chronology of Pagi, *ad ann.* 479, n. 2, and *ad ann.* 482, n. 2.

Synod. The adherents of Peter Fullo, however, speedily accused him of Nestorianism, and succeeded in getting the Emperor to recommend that the accusation should be inquired into at a Synod. This was done at a Council at Laodicea, of which we have information from the *Libellus Synodicus* and Theophanes, with the addition that Stephen's orthodoxy was vindicated, and his elevation to the throne of Antioch confirmed. Discontented with this decision, his enemies one day laid hold of Bishop Stephen in the baptistery of S. Barlaam the Martyr, and put him to death with sharp-pointed reeds.[1] In punishment, Theophanes further tells us, the Emperor Zeno deprived the Antiochenes of the right to elect another bishop, and conferred the power of doing so for this time upon the Patriarch Acacius, who immediately consecrated Calendion as bishop of Antioch, at Constantinople.[2] Knowing nothing of this, the Oriental bishops, on the other hand, elected John Codonatus to be patriarch of Antioch; but Calendion at once took possession of the see, and secured his recognition at an Antiochene Synod in the year 482, as well as with Pope Simplicius, whilst Codonatus subsequently obtained the see of Tyre. Theophanes professes to know that Calendion himself consecrated Codonatus for Tyre; but we see clearly from the letters of Pope Felix that this John Codonatus is identical with the John of Apamea whom we know, and that Acacius of Constantinople gave him the see of Tyre as indemnity, and that the Pope declared the transaction null and void.[3]

In the meantime Bishop Timothy Salophaciolus of Alexandria (see vol. iii. sec. 208) had also died, and John surnamed Talaja or Tabennesiota (Tabennesian monk of the monastery of Canopus), up to this time treasurer of the Church of Alexandria, was elected to succeed him. In accordance with custom, in union with the Alexandrian Synod assembled around him, he immediately sent communications in writing to Pope Simplicius and to Calendion of Antioch, but not to

[1] Theophanes, *Chronographia, ad ann.* 5793, ed. Bonn, t. i. p. 199.

[2] Pagi, *ad ann.* 482, n. 2–11.

[3] Theophanes, *l.c.*; Pagi, *ad ann.* 482, n. 12; Mansi, t. vii. pp. 1023, 1054 sqq. 1140.

Acacius of Constantinople, perhaps because he had formerly cherished a grudge against him. He had formerly spent a considerable time at Constantinople as envoy from his bishop. Acacius, irritated by this, persuaded the Emperor Zeno that John was not a fit person for the important see of Alexandria, since he had given to the previous bishop the advice that he should enter the name of Dioscurus in the diptychs of the Church. Moreover, he said, he was perjured, for he had, during his residence at Constantinople, taken an oath that he would not seek for the bishopric. Much more suitable than John was Peter Mongus (see vol. iii. sec. 308), who had formally been elected by the Monophysites, after the death of Timothy Ælurus, as bishop of Alexandria, but had been expelled by the Emperor Zeno. The reason that Acacius now recommended this man, and that the Emperor acted upon his advice, arose from the fact that the Emperor had just promulgated his infamous *Henoticon* under the advice of Acacius (A.D. 482), and Peter Mongus was fully disposed to assist in carrying it through, that is, to labour for a union between the Orthodox and Monophysites, on the ground of this formula.

The Emperor Zeno immediately wrote to Pope Simplicius that John was, for the reasons assigned, unworthy of the see of Alexandria, and that Peter Mongus was much better qualified to restore peace in the churches of that region. On the one side, the Pope allowed himself to be persuaded not at once to recognise John formally, but on the other side he at the same time openly communicated to the Emperor his opinion that Peter Mongus was not at all the right man, and that he was still under suspicion of heresy.[1] Zeno paid no regard to this, and commanded the *Dux Ægypti* to expel John, and to induct Peter Mongus on condition that he accepted the *Henoticon* and sent synodal letters to Acacius, Simplicius of Rome, and the other archbishops. This was done, and Acacius immediately recognised Mongus, and introduced his name into the diptychs of his church. The *Libellus Synodicus* states that Peter Mongus thereupon immediately held a Synod in Alex-

[1] Compare his letters to Acacius and to the Emperor in Mansi, t. vii. pp. 992 and 994.

andria, and, in communion with it, pronounced anathema on the Council of Chalcedon.[1]

The banished John Talaja, following the advice of Calendion of Antioch, betook himself in person to Rome, in order to lay his cause before the Pope, and to invoke the protection of the Roman see. He arrived at the beginning of the year 483, and induced the Pope to write two other letters on his account to Acacius, in addition to the one which he had already exchanged with him on the same subject. He also drew up a complete letter of accusation against Acacius for presentation to the Pope.[2] Simplicius, however, died on the 2nd of March 483, and was succeeded by Felix II. or III. John Talaja now immediately brought his complaint and his memorial before the new Pope. Felix thought it best, as Acacius had not yet answered the most recent letters of Simplicius, to send two envoys, Bishops Vitalis and Misenus, together with the Defensor[3] Felix, to the Emperor Zeno and to Acacius, to confirm them in their adhesion to the Council of Chalcedon, and to induce them to expel Peter Mongus, and replace John Talaja in his see.[4] At the same time, he gave the legates a *libellus citationis* to Acacius,[5] stating that Acacius must give an answer in Rome to the accusations of Talaja. There was also a letter addressed to the Emperor, in which the Pope acquainted him with the communication, and renewed the accusations against Peter Mongus.[6] It is the ordinary opinion that Pope Felix at the same time held a Synod in Rome, and in its name despatched the letters to the Emperor and Acacius; but Pagi has shown that the grounds of this opinion are contestable.

At a later date, Felix sent to his legates two other letters,

[1] Mansi, t. vii. pp. 1023 and 1178; Hardouin, t. v. p. 1527; Pagi, *ad ann.* 482, n. 19 sqq.

[2] Cf. Liberati, *Breviar.* c. 18, in Galland, *Biblioth. PP.* t. xii. p. 150; Pagi, *ad ann.* 483, n. 4.

[3] [For the nature of this office, see the *Dict. of Christ. Antiq.* i. 542.]

[4] The letters of Pope Felix to both are given by Mansi, t. vii. pp. 1028 and 1031, and Hardouin, t. ii. pp. 811 and 814.

[5] Mansi, *l.c.* p. 1108; Hardouin, t. ii. p. 829.

[6] In Mansi, t. vii. p. 1108; Hardouin, t. ii. p. 830. Cf. Evagrius, *Hist. Eccl.* iii. 18; *Breviculus Historiæ Eutych.* ed. Sirmond, p. 122; Liberati, *Breviar.* c. 18, in Galland, *l.c.* p. 150; Pagi, *ad ann.* 483, n. 4 and 5.

which are now lost, for the Emperor and Acacius, and recommended the envoys to undertake nothing without having previous consultation with Cyril, the abbot of the Akoimetæ at Constantinople.[1] When, however, the two legates, Vitalis and Misenus, arrived at Abydos on the Hellespont—the Defensor Felix, on account of illness, had to depart later—they were arrested by command of the Emperor, cast into prison, robbed of their papers, and even threatened with death unless they would consent to enter into Church communion with Acacius and Mongus. In case of their acquiescence, on the other hand, presents and favours were held out to them, and thus they were imposed upon, and gave in. They were now brought to Constantinople, set at liberty, and treated with the greatest distinction, until, disregarding all the warnings of the orthodox, they went so far as to take part in a solemn Church service held by Acacius, at which he read out the name of Mongus from the diptychs, and received the communion with Mongus' representative. When the Defensor Felix subsequently arrived at Constantinople, Acacius did not receive him, and treated him in a hostile manner, because he would not, like the two legates, hold communion with Peter Mongus.[2]

Cyril, abbot of the Akoimetæ, immediately sent the monk Simeon to Rome, in order to acquaint the Pope with what had taken place;[3] and when the legates returned soon afterwards, and brought letters from the Emperor, as well as from Acacius, favouring Peter Mongus, and throwing suspicion upon Talaja,[4] Pope Felix made immediate arrangements for a Roman Synod, which should decide between his legates and their accusers. In the first place, Vitalis and Misenus were called upon for their defence, when, besides the monk Simeon, the priest Silvanus, who had been in Constantinople at the same time with the legates, appeared as a witness against them. They were deposed from their episcopal offices,

[1] Evagrius, *Hist. Eccl.* iii. 19.

[2] Theophanes, *l.c.* p. 204 sqq.; Evagrius, *Hist. Eccl.* iii. 20; Liberati, *l.c.*; Pagi, *ad ann.* 483, n. 6, and 484, n. 2 and 3.

[3] Evagrius, iii. 21.

[4] A portion of the imperial letter is preserved by Evagrius, iii. 20.

and excluded from the holy communion, and at the same time the excommunication and anathema on Peter Mongus was repeated. In a second session the Synod condemned also Acacius of Constantinople, and declared him unworthy of his ecclesiastical dignity, and deprived him of Church communion. A fragment of this sentence is found in the *Breviculus Historiæ Eutychianistarum*,[1] and, from this source, in Mansi,[2] besides which we still possess the synodal letter in which the Pope gave public notice to Acacius of the condemnation pronounced upon him.[3]

The copy of it, which we still possess, gives at the end the historical information that sixty-seven bishops, besides Pope Felix, had subscribed. But this certainly refers rather to the synodal Acts which remained in Rome, than to the synodal letter which was sent to Greece. The latter, in accordance with the usual practice in regard to such writings,[4] was drawn up only in the name of the Pope, on which account the Greeks brought the objection against the deposition of Acacius, that it had proceeded merely from Felix, and not from a Synod. This was evidently incorrect; but it might be urged, as Pope Gelasius, in replying to this objection of the Greeks, in his epistle *ad episcopos Dardaniæ*,[5] did not merely reply, that "Acacius had been deposed at a Synod," but rather argued that the Pope had the power to depose him without a Synod. Baronius (*ad ann.* 484, n. 21) attempts to remove this difficulty by the assumption that the Greeks had complained that an Œcumenical Synod had not been held, and that Gelasius had replied to them only in this sense. Pagi (*ad ann.* 484, n. 4) rejects this expedient, and endeavours to find another. The Greeks, he says, only maintained *Acacium non jure damnatum, quod non speciali synodo videatur fuisse dejectus*,[6] that is to say, that he had not been condemned at a special Synod, called on his account,

[1] In Sirmond, p. 123, in the *Appendix codic. Theodos.*

[2] Mansi, *l.c.* p. 1065.

[3] Mansi, *l.c.* p. 1053; Hardouin, t. ii. p. 831.

[4] See towards the end of this section; also vol. i. p. 74; and Pagi, *ad ann.* 484, n. 4.

[5] Mansi, t. viii. p. 49 sqq.; Hardouin, t. ii. p. 905 sqq.

[6] Mansi, t. viii. p. 49.

but only as it were *en passant* at that Synod which had met for another purpose, for the purpose of examining the accusations against the two legates. For this reason he thinks that Pope Gelasius, in the letter *ad episcopos Dardaniæ*, had in his eye only the failure to hold a *synodus specialis*.

However this may be, the papal letter to Acacius is dated July 28, 484. The ordinary opinion has consequently been that the first session, which dealt with the case of Vitalis and Misenus, took place only a few days earlier, also in the second half of July. Pagi, on the other hand (*ad ann.* 484, n. 9), makes it probable that one Synod held its first session early in 484, and that in this a new admonition was sent to Acacius,—the second which he received from Rome,—and that as this also was ineffectual, steps were taken in July for his condemnation.

In the synodal letter to Acacius he was reminded of all his offences, particularly his violation of the *jus gentium* in his treatment of the papal legates. A second letter in this direction was sent by Felix, on the 1st of August 484, to the Emperor,[1] acquainting him with all that had been done, and exhorting him to stand by the right. He had to choose between communion with the Apostle Peter or with Peter Mongus. At the same time the Pope mentions that he has sent the Defensor Tutus to Constantinople in order to publish the sentence against Acacius. A third letter was addressed to the clergy and laity of Constantinople, in order that all should be convinced of the necessity and justice of the sentence pronounced against Acacius.[2]

In spite of the imperial guard who tried to prevent the entrance of any unwelcome strangers, the Defensor Tutus succeeded in reaching Constantinople, where he formed a union with the monks, and delivered to them the documents which he had brought with him. They had the courage to convey to Acacius his sentence of deposition by fixing it to the door of the church, and thus giving it publication, an

[1] That this letter was written a few days after the end of this Synod, and does not belong to the following Roman Synod, is shown by Pagi, *ad ann.* 485, n. 5.

[2] Mansi, t. vii. pp. 1065, 1067. These two letters are wanting in Hardouin.

act which several of them had to expiate with their lives.[1] Acacius, however, took so little account of all this, that he now formally struck the name of the Pope off the diptychs of his Church, stopped communion with Rome, and in order to give effect to the *Henoticon*, he subjected those who were strictly orthodox to more severe persecution. In particular, he deposed Calendion of Antioch, and in his place put Peter Fullo, who had formerly been a Monophysite, and who now accepted the *Henoticon*. This gave occasion for a new Roman Synod, in October 485, which pronounced the deposition of this intruder. Two letters are given, as having been addressed by Pope Felix, in the name of this Synod, to Peter Fullo,[2] pointing out his heretical doctrine and his irregular intrusion. Volesius regarded them as spurious; but Pagi, on the contrary (*ad ann.* 478, n. 9 sqq.), defended their genuineness, and showed that both proceeded from the Roman Synod of 478, held under Pope Simplicius (see near the beginning of this section). We have, however, a letter of Felix, belonging to this time, addressed to the Emperor Zeno,[3] in which Peter Fullo in particular is blamed because of the addition to the *Trisagion*, "who was crucified for us," and the assertion connected with it, "one of the Trinity suffered *in substantia Deitatis*," because thereby the true and full incarnation of Christ was detracted from (see above, sec. 213, and vol. iii. sec. 208).

To the same Roman Synod belongs also the letter *ad clericos et monachos Orientales*.[4] According to an ancient codex this letter is dated October 5, 485,[5] and properly is only an addition to the formal decree of the Synod. The letter, as the bishops here say, in accordance with the prevailing custom, was sent forth in the name of the Pope, as proceeding from him. This letter adds further that now, in the matter of the Church of Antioch, a new Synod has been assembled at Saint Peter, that is, in S. Peter's Church in Rome; and at the same time makes mention of the acts of

[1] Liberat. *Breviar. l.c.* p. 150; Niceph. Callisti *Hist. Eccl.* lib. xvi. c. 7; Baron. *ad ann.* 484, n. 34.

[2] *Ibid.*

[3] In Mansi, t. vii. p. 1050; Hardouin, t. ii. p. 827.

[4] In Mansi, t. vii. p. 1139; Hardouin, t. ii. p. 354.

[5] Pagi, *ad ann.* 485, n. 6.

violence of which Acacius has made himself guilty since his deposition. From this it is clear that the letter in question belongs not, as Valesius supposed, to the Synod of the year 484, but to that of the year 485.[1] Finally, we also learn from the subscription of this letter to the Orientals, that this Synod of the year 485 was visited by more than forty bishops.

In this letter it is mentioned twice that the Pope had sent the Defensor Tutus to Constantinople with the sentence of deposition pronounced on Acacius. The manner in which the Synod speaks of this shows that they were then unaware how thoroughly Tutus had abused the confidence reposed in him.[2] Later on he had gone so far as to let himself be corrupted by Acacius, had entered into Church communion with him, besides betraying the secrets of Rome to him, and giving up the despatches which he had brought with him. Naturally Pope Felix received intelligence of this through his friends at Constantinople, and therefore, at a new Roman Synod, at what date we are not quite certain, perhaps about the close of the year 485, he pronounced a sentence of permanent deposition on Tutus. This we learn from his letter *ad monachos urbis Constantinop. et Bithyn.*[3]

In the year 485, Bishop Quintian also assembled a Synod, which pronounced the deposition of Peter Fullo. From this Synod we have a synodal letter of Quintian's to Fullo, with twelve anathemas appended, namely, those which had been directed against Monophysitism, Apollinarism, and Samosatenism, particularly also against the addition mentioned to the *Trisagion*, and its intention to teach that the triune God had suffered for us.[4] This Synod is mentioned also by the *Libellus Synodicus*,[5] which, however, speaks of it erroneously as an Alexandrian Synod, whilst it designates Quintian as ἐπίσκοπος Ἀρκουλιανῶν, a city which is mentioned nowhere else, but which, Pagi thinks, must refer to the patriarchal see of Antioch (*ad ann.* 485, n. 14).

[1] Cf. Pagi, *l.c.* n. 7.

[2] Cf. the remark of Mansi, t. vii. p. 1170.

[3] Mansi, t. vii. p. 1068. Cf. Pagi, *ad ann.* 485, n. 8, and Mansi, t. vii. p. 1170.

[4] In Mansi, t. vii. p. 1109 sqq.; Hardouin, t. ii. p. 835 sqq.

[5] In Mansi, t. vii. p. 1179; Hardouin, t. v. p. 1530.

Finally, to the year 485 there belong also two Persian Synods, of which we have received information through Assemani.[1] One of these was held at Seleucia by the Metropolitan Babuæus, who is called in the Acts *Catholicus*, although this title is of somewhat later origin. The other was held by the Metropolitan Barsumas of Nisibis, a man of Nestorian tendencies. The latter at his Synod gave permission to priests and monks to marry (even after consecration, and after putting off their vows), and ordained that no one should marry his stepmother, or sister-in-law, or should have two wives at once. Moreover, he and his bishops found fault with the Catholicus, because he had given leave that women should enter the baptistery and look on at baptisms, whereby unchaste occurrences and unallowed marriages had taken place. The Catholicus, on the other hand, forbade, in his Synod, the marriage of priests and monks; and excommunicated Barsumas, and was in turn excommunicated by him.

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Sec. 214. *Religious Conference at Carthage*, A.D. 484.

In the meantime there was held in Africa, if not a Synod proper, yet an unusually numerous and important assembly of bishops. Huneric, king of the Vandals, son and successor of Geiseric, since his entrance on the government, A.D. 477, had not ceased to persecute the Catholics, and had endeavoured by all means of craft and violence to obtain a victory for Arianism, which he and his people professed. To this end he sent out, in May 483, a circular letter to Eugenius of Carthage, and all "*Homoousion*" bishops, in which he gave orders that, on the first of February in the next year, they should be present at Carthage, in order to have a disputation with his "venerable" bishops on the *Homoousion* faith, and to examine whether it were scriptural or not.[2]

Eugenius declared that he was willing to attend, on condition that the Catholic bishops from the other side of the Mediterranean, particularly the Church of Rome, should be

[1] *Biblioth. Oriental.* t. iii. pt. ii. p. clxxvii. Reprinted by Mansi, t. vii. p. 1170 sqq. Cf. art. "Barsumas of Nisibis" in Wetzer and Welte, *Kirchenlexicon*.

[2] Mansi, t. vii. p. 1141; Hardouin, t. ii. p. 857.

allowed to take part in the disputation, as the controversy would have reference to the Catholic creed, and not to the special creed of the African Church.[1] He made this stipulation particularly, because the bishops who were not under Vandal rule could express themselves with much greater freedom than he and his colleagues who were living under that heavy oppression. King Huneric made the scornful reply: "When you make me master of the whole world, then what you want shall be done," that is to say, then shall the bishops be summoned from the whole world. To this Eugenius returned a befitting answer; but instead of complying, Huneric did the reverse, and drove into exile those Orthodox bishops of Africa who were pointed out to him as peculiarly learned and eloquent.[2]

At last the first of February arrived, and no fewer than 461 Catholic bishops had appeared at Carthage, as is shown by the list of them which is still extant.[3] Most of them were from Africa itself; some were from the islands of Sardinia, Majorca, and Minorica, which belonged to the Vandal kingdom. Huneric had some of the ablest of the Catholic bishops separated from the others and arrested, and Bishop Lætus of Neptis even killed, in order to strike terror into the others. The place of meeting was fixed by their opponents; but the Catholics immediately selected from their number ten speakers, so that the Arians should not be able to say that they were clamoured down by the Catholic bishops by reason of their majority. There were, however, no real debates. At the very beginning the Arian Court Bishop Cyrila placed himself in the president's chair, and the Catholic bishops in vain appealed against this, and demanded an impartial president. When the royal notary gave to Cyrila the title of patriarch, the Orthodox asked "by whose authority Cyrila had assumed the title of patriarch"; and when the Catholic spectators made a noise at this, they were driven with blows from the place of

[1] Mansi, t. vii. p. 1142; Hardouin, *l.c.*; Victor Vitensis (Victor of Vita), *De persecutione Afric.* lib. ii. in the *Biblioth. Max. PP.*, Lugd. t. viii. p. 682; also in Baron. *ad ann.* 483, n. 93 sqq.

[2] Victor Vitensis, *l.c.*

[3] In Mansi, t. vii. 1156; Hardouin, t. ii. p. 869. Sixteen sees were then made empty, or the bishops sent into exile, so that the Vandal kingdom counted 447 Catholic bishops.

assembly. Eugenius complained of violence; but, in order to get at the chief matter in dispute, the Catholic speakers requested Cyrila to open the proceedings, and to lay before them the points which were to be discussed. Cyrila replied, *Nescio latine*, and persisted in his objection to the speaking of Latin, although he was answered that he had elsewhere made copious use of this language. Victor Vitensis maintains (*l.c.* p. 683) that Cyrila had met the Catholic bishops with better preparation and more boldly than he had expected; but that they had taken the precaution of drawing up a confession of faith in writing, of which he gives a copy (lib. iii.), and which is also given in Mansi and Hardouin.[1] Tillemont shows (*l.c.* p. 797) that, in the subscription of this formula, xii. Kal. *Mart.* instead of *Mai.* must be read.

Huneric now put forth an edict, on February 24, in which he blamed the assembled Orthodox bishops that they had not either at the first or the second day of sitting (so that the assembly lasted two days), proved the *Homoousion* from Holy Scripture, although they had been challenged to do so; but, on the contrary, had occasioned a rising and an uproar among the people. He therefore gave orders that their churches should remain closed until they should come and take part in the disputation. Further, the laws which the Roman Emperors, misled by the bishops, had promulgated against heretics, should now be directed against the maintainers of the *Homoousion*. They were therefore forbidden to hold meetings anywhere; they were not to have a church in any city or village; they must not take part in any baptism, ordination, or the like; and in case they continued in their perverseness, they should be punished with exile. Moreover, the laws of the Roman Emperors against heretical laymen should now be in force, and they should be deprived of the right to sell, to leave by will, and to succeed to legacies, inheritances, trusts, etc.; and, moreover, those who occupied dignities and offices should be stripped of them, and should be declared infamous. All books in which they defended their error (the Nicene doctrine) were to be burnt. Anyone, however, who should return from his error by the 1st of June, was

[1] Mansi, t. vii. p. 1143; Hardouin, t. ii. p. 857.

to be free from all punishments. Finally, all the churches, together with church property, in the whole kingdom, were to be made over to the true, that is, the Arian bishops and priests.[1]

Besides this, King Huneric had the Catholic bishops present in Carthage sought for in their lodgings, deprived of their property, their servants, and horses, and driven out of the city. Whoever should receive them was to have his house burnt. Later on they were all excommunicated; the majority (302) being sent to different parts of Africa, where they had to live as country people without any spiritual functions (Huneric did with them as Luther with Carlstadt), whilst forty-six were sent to the island of Corsica, where they had to hew wood for the royal ships. Victor adds that twenty-eight had escaped, one had become a martyr, one a confessor, and eighty-eight had died earlier.[2]

Sec. 215. *Synod in the Lateran at Rome*, A.D. 487 *or* 488.

Soon after Huneric perpetrated other outrages. He died, however, in 485, and his nephew Guntamund recalled from exile all the Catholics with the exception of the bishops. Of the latter only Eugenius of Carthage was allowed to return and hold divine service again. Many of those who, during the time of Huneric's persecution, had fallen away from the Orthodox faith and gone over to the Arians, now prayed to be taken back into the Church. As, however, the African bishops, being in exile, were unable to hold a Synod on this subject, Pope Felix took up the cause of the African Church and held a Council in Rome, early in the year 487, in order to establish the conditions under which the fallen should be taken back to Church communion.[3] Baronius and Binius maintain that the Africans themselves, and particularly the fallen, had petitioned the Pope to make regulations in this matter.[4]

[1] Victor Vit. lib. iv. *l.c.* p. 687 sqq.; Mansi, t. vii. p. 1153 sqq.; Hardouin, t. ii. p. 867 sqq.; Baron. *ad ann.* 484, n. 54; Tillemont, t. xvi. p. 562.

[2] Victor Vit. *l.c.* p. 693; Mansi, t. vii. p. 1164; Hardouin, t. ii. p. 875. Cf. Tillemont, t. xvi. p. 565 sqq.

[3] The Acts of the Synod are found in Mansi, t. vii. pp. 1171 sqq. and 1056, and in Hardouin, t. ii. pp. 877 and 832.

[4] Baron. *ad ann.* 487, n. 2; Mansi, t. vii. p. 1174.

The still extant synodal letter tells us that this Roman Synod was held on the 13th of March under the consulate of Flavius Boëthius, that is, in the year 487, in the Basilica Constantiniana, that is, in the Lateran Church, under the presidency of Pope Felix, and in the presence of thirty-nine Italian and four African bishops, together with many priests and deacons.

Felix opened the Synod with the statement that there were unfortunately in Africa bishops, priests, and deacons who had fallen away from the faith in the time of persecution, and had been rebaptized by the Arians. Resolutions had to be taken in reference to these, and he would now let his own opinion on the subject be known. Upon this the deacon Anastasius read the sketch of an ordinance addressed to all bishops, which was forthwith approved by the Synod, and is of the following content: "1. If anyone has in the manner described been rebaptized, it must first of all be ascertained whether he has been so voluntarily or under compulsion. Such an one must undertake works of penance, fasts, and lamentations, since God sends His grace only to the humble. But all are not to be treated in the same manner, and those most harshly to whom ministration in the house of God has been confided, that is, the clergy. 2. Bishops, priests, and laymen, who receive rebaptism voluntarily or compulsorily, must remain in penance until the end of their life, without being allowed to participate in the public prayers, even as catechumens, and only *in articulo mortis* are they to be admitted to lay communion.[1] 3. In regard to the (lower) clergy, monks, virgins dedicated to God, and laymen, the prescriptions of the Nicene Council (respecting the fallen) are to be observed. Those who without compulsion gave themselves to be rebaptised, if they show deep repentance, shall be placed among the *audientes* for three years, for seven years as *pœnitentes* (in the third degree) shall be placed under the imposition of hands of the priests, and for two years (in the fourth degree of penitence) shall be excluded from the sacrifice.[2] If they die

[1] On the *Communio laica*, cf. Binterim, *Denkwürdigkeiten* Bd. iv. Thl. 3, S. 501 ff., and Bd. vii. Thl. 1, S. 63.

[2] Cf. c. 11 of Nicæa, in vol. i. p. 416.

earlier, the Viaticum is not to be refused to them.[1] 4. Boys under age, whether clerics or laymen, as also girls under age, shall for some time, in the third degree of penitence receive the imposition of hands and then shall be admitted to communion. 5. If anyone should be admitted to communion, because of sickness, before the expiration of his time of penance, and afterwards recover his health, he shall, in accordance with the Nicene prescription (can. 13), complete the still remaining time of his penance among the penitents of the fourth degree. 6. Catechumens who have allowed themselves to be baptized by heretics, shall spend three years among the *audientes*, and after that shall receive (not a new baptism, but) the imposition of hands.[2] 7. The lower clerics, monks, and laymen, who have received rebaptism *under compulsion*, shall do penance for three years; but bishops, priests, and deacons, even when they have acted under compulsion, must, as has been said, remain their whole lifelong in penance. 8. All who have received rebaptism from heretics, or who as catechumens have received first baptism, are prohibited from becoming clerics. 9. No bishop or priest must receive a penitent from a strange diocese without a testimonial from his bishop or priest.[3]

As this letter is dated March 15, under the consulate of Dynamius and Siphidius, and therefore in the year 488, whilst the Roman Synod was held in March of the former year, we must assume either that a whole year had elapsed before the actual sending out of the particular copies of the synodal letter, or that the date placed at the head of the synodal Acts, Flavio Boëthio, V.C. Cons., is erroneous, and it should be read P.C. (*i.e.* post consulatum) Flavii Boëthii, which would refer to the year 488.[4]

Sec. 216. *Synods in Persia and at Constantinople.*

The Synod of the Nestorians at Seleucia, A.D. 489,

[1] Cf. c. 13 of Nicæa, in vol. i. p. 419.

[2] Cf. c. 14 of Nicæa, in vol. i. p. 420, and what is there said on heretical baptism, p. 477.

[3] Mansi, t. vii. p. 1171 sqq. and p. 1056; Hardouin, t. ii. pp. 877 and 832.

[4] Cf. Tillemont, t. xvi. p. 592; Remi Ceiller, *l.c.* p. 624; and the remark of Mansi, t. vii. p. 1174.

scarcely deserves mention. It was occasioned by the fact that the already named Bishop Barsumas of Nisibis had accused the Overmetropolitan Acacius of fornication. The latter proved, in a chamber adjoining the place of meeting of the Synod, that the accused was a eunuch, whereupon Barsumas was anathematised as a slanderer.[1] Three other Nestorian Synods in Persia are mentioned by Simeon Beth-Arsamanensis.[2]

In the year 489 the Patriarch Acacius of Constantinople died, and his successor, Fravitas or Flavitas, lost no time in removing practically the existing division between Rome and Constantinople. He addressed a very courteous letter to Pope Felix, assuring him of his orthodoxy. In a similar sense the Emperor Zeno also wrote again to the Pope, and for the conveyance of the two letters Flavitas sent two clerics and several monks as legates to Rome. They were received with great friendliness, but Felix would not commit himself to a formal reception of Flavitas into communion, because the deputies from Constantinople were unable to promise that he would strike the name of his predecessor Acacius from the diptychs. Yet the Pope addressed friendly letters both to the Emperor and to the new patriarch.[3] Flavitas, however, died before receiving it, and was succeeded by Euphemius, a decided adherent of Orthodoxy, who, as we are told by Victor of Tununum, assembled a Synod at Constantinople in the year 492, and confirmed the decrees of Chalcedon, whilst the Emperor Anastasius, Zeno's successor, was a declared friend of Monophysitism.[4]

The *Libellus Synodicus* adds that Euphemius sent the Acts of his Synod to the Pope.[5] What is certain is, that he sought most earnestly for restoration of communion with Rome, but that the Pope, both Felix and, after his death, Gelasius (since the beginning of 492) persevered in requiring that the name of Acacius should be struck from the diptychs,

[1] Assemani, *Biblioth. Oriental.* t. iii. pt. ii. p. clxxx ; also in Mansi, t. vii. p. 1173.

[2] Assemani, *l.c.* p. 178 ; Mansi, t. viii. p. 143.

[3] Mansi, t. vii. pp. 1097 and 1100.

[4] Victor Tunun., *Chronicon* in Galland. *Biblioth. PP.* t. xii. p. 226.

[5] Mansi, t. vii. pp. 1180 and 1175 ; Hardouin, t. v. p. 1530.

which Euphemius declared that he could not venture to do. A further understanding between Rome and Constantinople was rendered impossible by the deposition of Euphemius in 496. The Emperor Anastasius now assembled a Synod at Constantinople, which, at his will, gave an approval to the infamous *Henoticon*, deposed Euphemius, and in his place raised Macedonius to the throne of the capital city. So we are told by Victor of Tununum.[1]

Sec. 217. *The two Roman Synods under Pope Gelasius. The Gelasian Decree* de libris recipiendis.

A great controversy has arisen concerning the *Roman* Synod under Pope Gelasius, which is said to have drawn up the earliest *Index prohibitorum*. In the printed collections of the Acts of the Councils we find this Gelasian Index with the superscription: "A Roman Council of seventy bishops, under the presidency of Pope Gelasius, and under the Consuls Asterius and Præsidius, *i.e.* in the year 494, published this decree for the distinction of genuine and apocryphal books." The date here given is assailed by several not unimportant considerations. In the oldest and best, and in nearly all of the manuscripts of the Gelasian decree, no consuls are specified; and Pagi and Ballerini, supporting themselves upon this, have no hesitation in referring the drawing up of this Index to the last year of Gelasius, A.D. 496; and in this they are confirmed by the fact that the *Carmen Paschale* of Sedulius, which was first published in the year 495, is mentioned and commended in the Index.[2]

Others solve the difficulty in another manner, and assume that the mention of the *Carmen Paschale* is one of the additions which Pope Hormisdas, as we shall see, made to the Gelasian Decree.[3] As, however, the best and oldest manuscripts of the Gelasian Decree have this passage, we must decide against the latter theory and in favour of that of Pagi and Ballerini.

[1] In Gallandius, *l.c.* p. 226.

[2] Pagi, *ad ann.* 494, n. 2–7 incl.; Baller. edit. *Opp. S. Leonis*, t. iii. p. clvi n. ix.; and in the notes of the Ballerini in Noris, *Opp. omnia*, t. iv. p. 927 sq.

[3] Migne, *Dictionnaire des Conciles*, t. ii. p. 599.

This brings us to the second controversy in reference to our Index, as to its authorship. In some ancient manuscripts this is ascribed to Pope Damasus, who lived more than one hundred years before Gelasius, and died A.D. 384. One of these is a very old MS. of the *Collectio Dionysii Exigui*, and in the Cresconian collection.[1] We may add that this is supported by the *Codex Frisingensis*, which is nearly a thousand years old.[2]

Still most of the oldest and best MSS. assign the composition to Pope Gelasius, and in particular the three excellent codices discovered last century, the *Lucensis*, *Vaticanus*, and *Florentinus*, which were edited by Mansi, Fontaninus, and Blanchinus.[3] In addition to which Pope Gelasius is named as author by the most ancient ecclesiastical writers who mention the Index. To the same effect is the testimony of a document of the Abbey of S. Riquier of the year 832; and further, Abbot Ansegis of Fontenelle in 833, also Lupus of Ferrières, Hincmar of Reims, and Pope Nicholas I.[4] To this it must be added that our Index contains a great deal which refers to a later period than that of Damasus. It refers, *e.g.*, to the Œcumenical Synods of Ephesus and Chalcedon, and to the writings of S. Cyril of Alexandria, of S. Chrysostom and S. Augustine, of Pope Leo I., Prosper of Aquitaine, etc., so that a considerable portion of it cannot possibly be the work of Damasus. This, however, by no means excludes the supposition that certain parts of the Gelasian Decree may belong to Pope Damasus, and indeed the most recent investigations made by Dr. Thiel[5] and Dr. Friedrich[6] have established with certainty that the first third of the Gelasian Decree comes down from the time of Damasus. These two scholars have also

[1] Cf. Pagi, *ad ann.* 494, n. 2.

[2] Mansi, t. viii. p. 154.

[3] Reprinted in Mansi, t. viii. p. 153 sqq.

[4] Cf. Remi Ceiller, *Histoire des auteurs sacrés*, t. xv. p. 631; Migne, *Dictionnaire des Conciles*, t. ii. p. 596; Fabricii *Biblioth. Græca*, t. xii. p. 658, ed. Harless.

[5] *De Decretali Gelasii Papæ de recipiendis et not recipiendis libris*, etc., edidit Dr. Andreas Thiel, ss. Theol. in regio Lyceo Hosiano Brunsbergensi Prof. p. o. 1866.

[6] Friedrich, *Drei unedirte Concilien aus der Merovingerzeit* mit einem Anhang über das Decretum Gelasii, Bamberg 1867.

settled, with an approach to certainty, the original text of the Gelasian Decree, Friedrich using for that purpose a codex, belonging to the Munich Library, of the eighth or ninth century, one of the most ancient existing manuscripts of this Decree. The text of this Munich codex agrees in all essential points with that which Dr. Thiel had established by a comparison of thirty-eight other MSS., that of Munich being unknown to him.

Thiel divides the whole Decree into five parts: (1) De Spiritu Sancto, (2) De Canone Scripturæ Sacræ, (3) De Sedibus patriarchalibus, (4) De Synodis œcumenicis, (5) De libris recipiendis. Of these five parts the first three, which constitute only the first chapter of the Decree, belong to Pope Damasus; whilst the last two parts, which are much more comprehensive than the first three, and constitute the second, third, and fourth chapters of the Decree, proceed from Pope Gelasius. As, however, the third successor of Gelasius, Pope Hormisdas († 523), renewed this Decree, and added several appendices, it came to pass that several manuscripts named him as author of the whole.

The division which belongs to Pope Damasus and a Roman Synod under him begins with the words, "Dictum est: prius agendum est de Spiritu septiformi, qui in Christo requiescit," and then the biblical expressions, "Spiritus sapientiæ, consilii," etc., are explained. To this is added an explanation of the expressions referring to Christ, "Dominus, Verbum, Filius, Pastor, Leo," etc., and the whole concludes with the sentence, "Nominato itaque Patre et Filio intelligitur Spiritus Sanctus," etc.

That it should be necessary to place at the head of a Decree an explanation of the doctrine of the Holy Spirit given by a Synod and a Pope, suits quite well the times of Pope Damasus, but not so well those of Gelasius.

The second section (again by Damasus) gives the canon of the Bible, and at the close are placed "Joannis apostoli epistola i.; Alterius Joannis presbyteri epistolæ ii." This, again, is not suitable for Gelasius in whose time the three Epistles were quite definitely assigned to John the evangelist, but is quite suitable to Damasus, whose friend, S. Jerome, as

is well known, assigned only the first of the three Johannean Epistles to the apostle, and the two others to the so-called Presbyter John.[1]

The third section, by Pope Damasus, treats of the primacy of Rome and of the patriarchal Churches, and in particular declares: "Romana ecclesia nullis synodicis constitutis ceteris ecclesiis prælata est, sed evangelica voce Domini et Salvatoris nostri primatum obtinuit." At the same time, the opinion, which has found many advocates in the ancient and the later Church, that Peter and Paul had not been martyred in the same year (*uno tempore*), was declared heretical.[2] Then the Roman Church is designated and declared to be the first see of Peter, and "non habens maculam neque rugam nec aliquid hujusmodi"; the second see to be "apud Alexandriam," dedicated in the name of Peter and of his disciple, the evangelist Mark; and the third that of Antioch, where Peter "priusquam Romam venisset, habitavit."

To this third section of Damasus, Pope Gelasius added the two additional sections, "De Synodis œcumenicis," and "De libris recipiendis," chapters 2, 3, and 4 of the whole Decree. In the first it is said: "Sancta, *i.e.* Romana, ecclesia post illas veteris et novi testamenti, quas regulariter suscipimus, etiam has suscipi non prohibet Scripturas, id est: Sanctam Synodum Nicænam . . . sanctam synodum Ephesinam . . . sanctam synodum Chalcedonensem." . . . As we see, and have remarked above (vol. ii. p. 373), the second Œcumenical Synod is not named, but Pope Hormisdas in his copy added this, and this is the first important addition belonging to him. The second he places after the notice of the Council of Chalcedon in these words: "Sed et si qua sunt concilia a sanctis patribus hactenus instituta, post horum auctoritatem et custodienda et recipienda et decernimus et mandamus." To the Synod of Nicæa also he had added: "In qua Arius hæreticus condemnatus est."

[1] Hieronymi *Catalog. Script. eccl.* cc. 9 and 18.

[2] Windischmann endeavours, in his *Vindiciæ Petrinæ* (p. 66), to explain this as follows: "Gelasium magis perversam hæreticorum, qui ea traditione abutebantur, intentionem reprehendisse credimus, quam quod ipsam illam traditionem hæreticam esse censuerit."

In chapter 3 the "libri recipiendi" of the Church Fathers, and in chapter 4 the "libri apocryphi qui non recipiuntur," are defined, and here all those books which the Church of Rome rejects are designated as apocryphal, whether they are inserted surreptitiously (properly apocryphal) or are genuine. Thus, for example, the writings of Tertullian and of the Alexandrian Clement are named "apocrypha," in the same way as the "Actus Andreæ apostoli" and "Thomæ apostoli," etc. It is worthy of remark that among the "apocrypha" the "Opuscula Tascii Cypriani" are placed, whilst the "Opuscula b. Cæcilii Cypriani martyris et Carthaginensis episcopi" are the first among the commended books (c. 3). So these "Apocrypha Cypriani" must either have been books falsely attributed to S. Cyprian, or we must understand by Tascius Cyprianus another than S. Cyprian, whose name was also Tascius. It is further remarkable that the Church history, "Historia Eusebii Pamphili," is in chapter 4 placed among the "apocrypha," whilst in chapter 3 it is, together with the *Chronicle* of Eusebius, placed among the "libri recipiendi," with the note: "Quamvis in primo narrationis suæ libro tepuerit (he has been lukewarm) et post in laudibus atque excusatione Origenis schismatici unum conscripserit librum, propter rerum tam singularum notitiam, quæ ad instructionem pertinent, usquequaque non dicimus renuendos." Finally, "nonnulla opuscula" of Origen, "quæ vir beatissimus Hieronymus non repudiat," are recognised, but the rest, together with their author, are rejected. The "Canones Apostolorum," the "Pastor Hermæ," and the writings of Arnobius, Lactantius, and Cassian, are also numbered among the "apocrypha." The variations in this section, which are the work of Hormisdas, are of slighter significance.[1]

Immediately after the Roman Synod just noticed, the collections of Councils place a second, held at Rome under Gelasius, which took place in March (not in May) 495, and therefore should properly be placed before the other. Under the presidency of the Pope, there were present forty-five

[1] Less exact reports of the Gelasian Decree are found in Mansi, t. viii. pp. 146–172; Hardouin, t. ii. pp. 937–942; and in the *Corp. Jur. Can.* c. 3, Dist. xv.

other bishops, together with many priests and deacons, and two laymen of distinction. The occasion of this Synod was the petition for readmission to the Church of Bishop Misenus, who had been one of the unfaithful legates of Pope Felix (see above, p. 30). His petition was presented at the first session of the Synod, on the 8th of March 495; there was, however, no resolution taken in the matter, and Gelasius therefore allowed the petition to be read anew at the second session. Misenus was now also permitted to appear before the Synod in person, and to present a second petition, which was also read, and which bears the date of March 13. This is probably the date of the second session, since we need not assume that a long interval had elapsed between this and the first session, March 8. In any case the subscription of our Acts gives the 13th of May (*iii Idus Maii*) as the date of the second session, but Pagi (*ad ann.* 495, n. 2), and others after him, have supposed that this is a mistake for *iii Idus Martii.*

After the reading of the two petitions, Pope Gelasius addressed the Synod, and in a rather long speech set forth the grounds on which they should receive Misenus back into the Church, and not drive him to despair since he had shown such deep repentance, and had pronounced anathema on all heresies and heretics; whilst his colleague Vitalis, who had committed the same fault at Constantinople, had died in the meantime, and on account of his sudden death could no longer be reconciled to the Church. All the bishops and priests gave their full approval to this proposal in liveliest acclamations, and thus Misenus was restored to favour.[1] He appears again at a later period as member of a Roman Synod, A.D. 499.

Sec. 218. *The last Synods of the Fifth Century.*

At the baptism of Chlodwig, on Christmas Day 496, some bishops of the Frankish kingdom were assembled in S. Martin's Church at Reims, as we learn from a letter of Bishop Avitus of Vienne to Chlodwig, and from a letter of

[1] The Acts in Mansi, t. viii. p. 177 sqq.; Hardouin, t. ii. p. 941 sqq.

Bishop Nicetius of Trier (Trèves);[1] but their meeting is scarcely to be regarded as a Synod.

We are told of a Synod at Constantinople, which was held in the year 497 or 498, by Victor of Tununum, Theophanes, and the *Libellus Synodicus*, but unfortunately the testimonies are not clear, nor are they in agreement. Theophanes says (*ad ann.* 491 of the Alexandrian = 498 of the ordinary reckoning): "In this year Bishop Macedonius of Constantinople, by the advice of the Emperor (Anastasius), endeavoured to unite with himself the monasteries of the metropolis, which had separated (from the patriarch and the Henotickers) on account of the *Henoticon*. As, however, there was no result, he advised the Emperor to summon a *σύνοδος ἐνδημοῦσα*, in order to approve of the good decrees of Chalcedon (*τὰ καλῶς δογματισθέντα*), and this was done."[2]

With this agrees the *Libellus Synodicus*, stating: "Macedonius held a Synod, which confirmed in writing the decrees of Chalcedon, but from fear of the Emperor Anastasius passed over the *Henoticon* in silence."[3]

But the very reverse seems to be found in Victor of Tununum, since he writes, *ad ann.* 497: "Macedonius Constantinopolitanus episcopus synodo facta *condemnat eos qui Chalcedonensis decreta synodi suscipiunt*, et eos qui Nestorii et Eutychis defendunt."[4] Macedonius appears here plainly as a heretic, who indeed, on the one hand, rejected the Nestorian and Eutychian doctrines, but, on the other hand, refused to accept the Synod of Chalcedon, that is, the *positive* part of it, its declaration of faith. As, however, the Synod had also a *negative* part, namely, the rejection of the Nestorian and Eutychian doctrines, Mansi[5] thinks that we can reconcile the testimonies of Theophanes and Victor by supposing that the former understood by the *καλῶς δογματισθέντα*, not *all* the decrees of Chalcedon, but only those against the heretics, the negative part; and that Macedonius, at his Synod, con-

[1] Mansi, t. viii. pp. 175 and 178.

[2] Theophanes, *Chronogr.* ed. Bonn, t. i. p. 218 sq. Cf. Pagi, *ad ann.* 498, n. 7.

[3] In Hardouin, t. v. p. 1530; Mansi, t. viii. p. 374.

[4] Galland. *l.c.* t. xii. p. 226.

[5] Mansi, t. viii. p. 199 sq.

firmed this, which was a principal part of the decrees, but not the *positive* part, because this must of necessity have condemned the *Henoticon*. More than this he thinks that Victor of Tununum could not properly say, since he himself only a little later mentions that Macedonius was soon afterwards deposed by the Emperor Anastasius, because he would not pronounce anathema on the Council of Chalcedon. With such a disposition, it would be clear that Macedonius himself could not, in the year 497, have pronounced the rejection of *all* parts of the Synod of Chalcedon.

This seems correct, and we allow that in this manner a harmony may be established between Theophanes and Victor; but not between the latter and the *Libellus Synodicus*. Besides, there must still remain the doubt whether Macedonius could have believed that the monks of Constantinople, particularly the Acœmetæ, who were strict adherents of the Synod of Chalcedon, would be reconciled with him and the Henoticans, if he approved of only one part of the Chalcedonian decrees, and expressly rejected the other, as we must suppose from the testimony of Victor.

Through the same Victor of Tununum we learn of a further Synod at Constantinople in the year 499. This also falls under the episcopate of Macedonius; Victor, however, says nothing of this bishop having taken part in it, but only relates that the Emperor Anastasius, when Flavian was bishop of Antioch, and Philoxenus was bishop of Jerusalem, held a Synod at Constantinople, which, on the one hand, anathematised Diodorus of Tarsus and Theodore of Mopsuestia, together with their writings; and on the other, Theodoret of Cyrus, Ibas of Edessa, Andrew (of Samosata), Eucherius (Eutherius), Quirus (Cyrus), John (of Antioch), and all who accept two natures and two forms in Christ, together with the Roman Bishop Leo and his tome (his famous letter to Flavian of Constantinople),[1] and also the Synod of Chalcedon.[2]

To the same year also belongs a Roman Synod, which Pope Symmachus held on the 1st of March 499 in the

[1] See the history of the Council of Chalcedon in vol. iii.

[2] Victor. Tunun. in Galland. *l.c.* t. xii. p. 226.

Basilica of S. Peter,[1] and at which seventy-two bishops were present. Its aim was to take precautions that at future papal elections there should not again be such painful divisions and faction fights as had happened on the former occasion. A few days after the death of Pope Anastasius II., on the 22nd of November 498, Symmachus, until then a deacon of the Roman Church, a native of Sardinia, had been elected Pope in the Basilica of Constantine (*i.e.* in the Lateran Church). But on the same day another party elected, in S. Mary's Church (Maria Maggiore), the Archpresbyter Lawrence, and in fact the imperial commissioner, the Patrician Festus, had brought about this election by a great expenditure of money, in the hope that Lawrence might be inclined to accept the *Henoticon* of Zeno. Both Symmachus and Lawrence were immediately consecrated; but Symmachus was first, and, besides, he had the majority on his side. People, clergy, and senate were divided into two parties, between whom it came not unfrequently to sanguinary conflicts. In order to put an end to this critical state of things, the two parties agreed to go to Ravenna, and submit the controversy for decision to King Theoderic, the Ostrogoth, who, although an Arian, was then master of Rome. This was done, and Theoderic decided that, "whichever had been first ordained, or whichever had the majority on his side, should possess the see"; and thus his judgment was in favour of Symmachus, who soon after summoned the Synod in question. So Anastasius relates,[2] and in part also Theodorus Lector,[3] who are followed by Theophanes[4] and Nicephorus Callisti;[5] only that the latter speak merely of the Synod summoned in the year 501 by King Theoderic, whilst they are silent respecting that of the year 499. But that this was convoked by Pope Symmachus and not by the King, its Acts repeatedly declare quite expressly.[6]

[1] On the date, cf. Pagi, *ad ann.* 499, n. 2.

[2] In Baronius, *ad ann.* 498, n. 3, 4; and *ad ann.* 499, n. 10; Pagi, *ad ann.* 500, n. 9.

[3] In Valesius' edition of the Greek Church historians, lib. ii. p. 560, ed. Mog. after the *Church History* of Theodoret.

[4] Theophanes, *Chronographia*, t. i. p. 221.

[5] Nicephorus, lib. xvi. c. 35.

[6] Mansi, t. viii. p. 230 sq.; Hardouin, t. ii. p. 957 sqq.

At the opening of this Roman Synod, Archdeacon Fulgentius made an address to Pope Symmachus, pointing out that the Synod which he had convoked from all parts of Italy had assembled, and the Pope should now communicate the measures which should be taken for preserving the Church from injury, and for the establishment of its peace. All present supported this request with acclamation, and Pope Symmachus explained how it was that, in spite of its being winter, he had assembled the bishops, and that the formation of a fixed rule for the ordination of a Roman bishop was necessary, in order to avoid, for the future, all divisions, agitations, and risings of the people. The bishops again gave their approval, and the papal notary Æmilian read the following statute:—

1. If a priest or other cleric, during the lifetime of the Pope, and without his previous knowledge, should venture to put down his signature for the future election, or promise a voting paper, or give an assurance on oath, or promise a vote, or attend at private meetings for the purpose of holding consultations and taking resolutions on this subject, he shall be deprived of his office and of Church communion.—The Synod gave its assent with loud approval.

2. The same punishment shall be inflicted on anyone who is proved, in the lifetime of a Pope, to have canvassed for the succession, or has made attempts in that way.—Again all the bishops declared their assent.

3. Should the Pope (which God forbid!) die unexpectedly, and so be unable to make any provision for the election of a successor,[1] then, if the collected clergy elect one unanimously, he shall be consecrated. If, however, as often happens, the opinions and votes are divided, the judgment of the majority shall prevail. And every elector who, having bound himself by a promise, has not given his vote freely in the election, shall be deprived of his spiritual office.

4. Whoever brings to knowledge a violation of this ordin-

[1] The Pope did not indeed *designate* his successor, but frequently *recommended* a clergyman, who was then generally elected. Cf. Baronius, *ad ann.* 499, n. 8; and Binius in Mansi, t. viii. p. 238, not. *g*. In other places, however, such recommendation was not allowed. See above, sec. 211.

ance, even if he was himself a participator in the offence, shall not only remain unpunished, but shall even be rewarded.—Again they all signified their approval; and after Symmachus had addressed a few closing words to the members, they subscribed to the number of seventy-two bishops, including the Pope, sixty-nine priests, and six deacons.[1]

Among the priests who signed stands first the Archpresbyter Cœlius Lawrence, the very man who had been raised by the schismatical party to be antipope. He had made submission, and had expressed this indubitably by adding to his subscription: "Subscripsi et consensi synodalibus constitutis, atque in hac me profiteor manere sententia." That he received the bishopric of Nocera in consequence of this submission, and indeed "intuitu misericordiæ," Anastasius tells us, but without suggesting so definitely as Baronius imagined that this had been decided by our Synod. In this respect Pagi has already with propriety combated him;[2] but he also was mistaken when he attributed this advancement of Lawrence to a Roman Synod of the year 500, since no such Synod met in that year, as the Bollandists[3] and Mansi[4] showed, so that Lawrence was promoted to the bishopric of Nocera either by the Synod of 499 or immediately afterwards by Pope Symmachus.[5]

But scarcely was this peace built up when, in the following year, it was overthrown, and the exasperation of both parties found expression in acts of great violence, so that new Synods became necessary in order to restore peace to the Church. These all, however, fall into the sixth century, and thus belong to the next book. We must, however, turn our attention to a plenary or patriarchal Council of the Nestorians in Persia, which was held in the second year of King Zamasches (Giamasabas), *i.e.* in the year 499, and under the presidency of the Patriarch Babæus. At an earlier Persian Synod we met with a Babu or Babuæus as overmetropolitan of Seleuciá-

[1] Mansi, t. viii. p. 230 sqq.; Hardouin, t. ii. p. 957 sqq. Mansi has critical remarks on these subscriptions, *l.c.* p. 305 sq.

[2] Pagi, *ad ann.* 499, n. 3; and *ad ann.* 500, n. 8 and 9.

[3] *Acta Sanctorum*, die 19 Julii, p. 639, in the *Vita S. Symmachi.*

[4] Mansi, t. viii. p. 303.

[5] See below, sec. 220.

Ctesiphon, and saw him in violent conflict with the Metropolitan Barsumas of Nisibis (see above, sec. 213). Soon afterwards, in the year 485, Babu was taken off in consequence of political suspicion which Barsabas had excited against him, and Acacius was raised to succeed him. He excommunicated Barsabas and his adherents, and thus arose a schism among the Nestorians, which lasted on even after the death of Barsumas. When, however, Acacius, in the year 498, was succeeded by Babæus, who was up to this time a layman and married, the latter took measures for the removal of the schism, and the Synod convoked by him in the year 499 did, in fact, reconcile the parties, and renewed not only the previous precedence of the see of Seleucia-Ctesiphon, but raised it to patriarchal dignity, the possessor of which should bear the title *Catholicus*; in this way separating Seleucia from the patriarchate of Antioch, to which it had hitherto belonged. Moreover, the Synod repeated the permission given at an earlier period, that all clerics, even bishops and monks, might live in monogamy, and ordered the regular holding of provincial and patriarchal Synods. The former were to be celebrated once a year, and the latter every four years in the month of October.[1]

Sec. 219. *Religious Conference in the Kingdom of Burgundy, at Lyons.*

We close the twelfth book with an assembly which, without being a Council in the proper sense, yet deserves to be mentioned here. This is the religious conference which was held at Lyons between the orthodox and Arian bishops of Burgundy, with the permission of Gundobald, the Arian king of Burgundy, and in his presence. That it took place on the feast of S. Justus (who had been bishop of Lyons in the second half of the fourth century) and on the following day, therefore on the 2nd and 3rd of September, is expressly stated in the Acts of this *Collatio*, first edited

[1] In Assemani, *Biblioth. Oriental.* t. iii. pt. i. p. 429; Mansi, t. viii. p. 239 sq. Cf. Wiltsch, *Kirchl. Statistik*, Bd. i. S. 215, and the article "Barsumas" in the *Kirchenlexicon* of Wetzer and Welte.

by d'Achery in his *Spicilegium*, t. v. p. 110.[1] The year, however, is doubtful, and scholars waver from 499 to 501. It is a decided error of Baronius to place it in A.D. 494 (*ad ann.* 494, n. 68). Pagi decided for 501 (*ad ann.* 501, n. 4), and many have followed him; but others prefer the year 499.[2] A quite certain result is no longer attainable; but we believe that we must decide for the year 499, and shall give our reasons below. Archbishop Stephen of Lyons had, for this assembly, invited many bishops to the festival of S. Justus, and prominent among those who came were Avitus of Vienne, Æonius of Arles, Apollinaris of Valence, and the bishop of Marseilles. His name, according to the *Histoire littéraire de la France*, is supposed to have been Chartenius.

They all betook themselves first to Sardiniacum, *i.e.* Savigny, in Burgundy, where the King resided, in order to pay their respects to him; and Avitus of Vienne, though he was first neither in age nor in rank, yet, on account of his learning and personal importance, became spokesman, and, after the salutations were over, proposed to the King the holding of a religious conference, in order to discuss which was the true faith. Gundobald replied: "If your faith is the true one, why do not your bishops restrain the King of the Franks (Chlodwig) from proclaiming war upon me, and making a union with my enemies? When a man covets what is not his own, the true faith is not with him." Avitus answered very discreetly: "We know not why the Frankish King acts in such a manner; but Holy Scripture tells us that kingdoms often perish because they forsake the law of God, and that whoever fights against God (or the true faith) will himself be withstood in turn. But if you, with your people, return to the law of God, then God will also give you peace again." The King: "How? I do acknowledge the law of God, but three Gods I will not admit." Thereupon Avitus defended the orthodox faith against the reproach of tritheism, and again prayed for the holding of a religious conference, embracing, with the other bishops, the King's knees whilst he made his

[1] Printed in Mansi, t. viii. p. 241 sqq.; and Hardouin, t. ii. p. 963 sqq.

[2] So the *Histoire littéraire de la France*, t. ii. p. 679.

request. Gundobald raised them graciously, and promised them an answer.

The answer came next day, when the King, who himself had gone to Lyons, called Avitus and Archbishop Stephen to him again, and declared to them: "Your wish shall be fulfilled; for my bishops are ready to prove that no one can be coeternal and consubstantial with God." He immediately required that some speakers should be selected from each side, and that the conference should not be held in public, so that no disturbances should arise. The time of meeting he fixed for the following day, the festival of S. Justus, the place the royal residence.

The orthodox bishops spent the night in prayer at the grave of S. Justus, and the Lessons appointed for the day offered them a gloomy prospect; for they treated of the hardening of Egypt (Ex. vii.), and of the blinding of the people (Isa. vi.). Next day they betook themselves to the residence with many priests and deacons, and also some Catholic laymen, particularly two royal officers of high rank, Placidus and Lucanus. In like manner did the Arians. Avitus was the representative speaker of the orthodox and Bonifacius of their opponents, and the admirable speech of Avitus (the original document calls it Ciceronian), in which he proved the orthodox faith from the Scriptures, made such an impression that Bonifacius, instead of bringing forward arguments to meet him, could only take refuge in abuse, *e.g.* that the Catholics were polytheists. Remarking the consternation of his party, the King broke up the first session, and declared that Bonifacius should answer Avitus on the following day.

When the Catholics assembled at the appointed time next day in the royal palace, Aredius, one of the highest officials of Gundobald, tried to persuade them to go back, because the King had no fondness for such controversies. But Archbishop Stephen knew that Aredius, although himself a Catholic, favoured the Arians, and rejected his suggestion. Gundobald, however, greeted the comers, and conversed for some time with Avitus and Stephen on the subject, that his own brother Godegisel had been stirred up against him by the King of the

Franks.[1] Godegisel was king of the second half of the Burgundian kingdom, with the chief cities of Geneva and Besançon. The bishops replied that, if Gundobald became united in faith with Chlodwig, a political union could more easily be brought about, and they would be ready to use their best exertions to bring it about. Without answering this the King opened the new second conference, and Avitus was again the first speaker, most powerfully refuting the reproach of polytheism which Bonifacius had cast the day before. When he had finished, and it became Bonifacius' turn to speak, as before, he could say nothing but general insulting reproaches, and at the same time shouted in such a violent manner that he became quite hoarse, and was unable to go on speaking. No other Arian ventured to take his place; and as the King got up angrily at Boniface, Avitus made one other proposal, that a miracle should decide, and they should agree to go together to the grave of S. Justus, and interrogate this dead saint as to the true faith. The Arians, however, declared that this would be a sacrilege, which had been punished in the case of Saul (1 Sam. xxviii. 11 ff.); besides, the Holy Scriptures spoke more powerfully for them than any calling up of spirits.

Thus ended the business. The King took Avitus and Stephen with him into his chamber, and begged them to pray for him. He was shaken, but he was not won; and, whilst many of his subjects returned to the orthodox Church in consequence of this colloquy, he himself remained in the snares of the heresy. "Quod Pater eum non traxerat," says the record, "non potuit venire ad Filium." King Gundobald, however, remained in friendly correspondence with Avitus, and we permit ourselves, on account of its importance, to bring forward one point from it which is calculated to throw some

[1] According to this, the war between Gundobald on the one side, and Chlodwig and Godegisel on the other, had not yet properly begun, and it is plain that Godegisel was still alive. As, however, Marius Aviticensi declares that Gundobald killed his brother Godegisel under the Consuls Hypatius and Patricius, *i.e.* in the year 500, our religious conference must necessarily be placed before the year 500. Pagi acts very inconsistently when, on the one hand, he records the statement of Marius Aviticensis (*ad ann.* 500, n. 10), and places the death of Godegisel in the year 500; whilst, on the other hand, he removes the religious conference to the year 501.

light on the ecclesiastical term *Missa*. The King once asked Avitus the sense of the passage Mark vii. 11, 12, which, in the Latin translation of the time, ran as follows: "Vos autum dicitis, si dixerit homo patri suo aut matri, Corban tibi profuerit, et jam *non missum* facitis eum quidquam facere patri aut matri," *i.e.* "Ye, however, say, If a man says to his father or his mother: Corban will profit thee (*i.e.* What I offer in the temple, will also be a benefit to thee), ye allow him to do nothing more for his father or his mother." Gundobald took special offence at the expression "Non missum facitis"; and Avitus remarked in a letter in reply:[1] "'Non missum facitis' is just as much as 'non dimittis' (*i.e.* ye set him not free, ye allow him not to do anything for his father), and in the churches, and also in the *halls of judyment*, it is customary, when the people are dismissed, to call out 'Missa est.' 'In ecclesiis palatiisque sive prætoriis missa fieri pronunciatur, cum populus ab observatione dimittitur.'"[2] We see from this that at that time the formula "Missa est" or "Missa fit" was used also at the close of the sitting of courts. We learn still further through Sirmond, in his learned notes on the letters of Avitus, that the expression, "Ite, missa est," was in ancient times, and partly in the Middle Ages, used not merely at the holy Sacrifice, but also at other religious services; and for this reason also Matins was called *Missæ Matutinæ*, and Vespers, *Missæ Vespertinæ*.[3]

[1] Galland. *Biblioth. P.P.* t. x. p. 702.

[2] The Vulgate has here the reading specially recommended by Avitus, "non dimittis," instead of "non missum facitis."

[3] Cf. can. 30 of the Council of Agde, A.D. 506, below, sec. 220.

BOOK XIII.

THE SYNODS OF THE FIRST HALF OF THE SIXTH CENTURY TO THE OUTBREAK OF THE CONTROVERSY OF THE THREE CHAPTERS.

SEC. 220. *The Roman Synods under Pope Symmachus,* A.D. 501–504.

AT the opening of the sixth century we meet with a series of Roman Synods under Pope Symmachus, with reference to the dates of which two different chronological systems have been set up, the one by Pagi in his criticisms to the *Annals* of Baronius (*ad ann.* 499, n. 3; *ad ann.* 500, n. 7–9; *ad ann.* 501, n. 2; *ad ann.* 502, n. 4; *ad ann.* 603, n. 2–11; *ad ann.* 504, n. 2), the other in the year 1725 by the Bollandist P. J. Bapt. Sollerius (in his Life of S. Symmachus in *Acta SS.* t. iv. Julii die 19 Julii, p. 639). Following preconceived opinions, Pagi has misplaced the natural order of these Synods, whilst the Bollandist held fast to Anastasius, Theodorus Lector, and other ancients, and has attained to greater accuracy. His theory was confirmed a few years later by a newly-discovered anonymous *Vita Symmachi*, which was composed by a contemporary of Pope Symmachus, and was published complete for the first time in the year 1732 by Joseph Blanchini,[1] whilst somewhat earlier his uncle, Francis Blanchini, had put forth only fragments of it in the third volume of his edition of Anastasius. By this means it became possible for the learned Mansi to establish[2]

[1] In his edition of pseudo-Athanasii *Expositio in Symbolum Apostolorum*, and in the fourth volume of Blanchini's edition of Anastasii *Vitæ Pontificum*, p. lxix printed also in Muratori, *Rerum Italic. Scriptores*, t. iii. pt. ii. p. 45 sq.

[2] In his notes to Baronius, and in his *Collectio Conciliorum*, t. viii. p. 303 sq.

several chronological points still more accurately than the Bollandist had done, and all the learned now follow him almost unanimously. But even Mansi has left sufficient room for others to glean after him, so that in the following pages it will be seen that on many points it was necessary to depart from him and to strike out a way of our own.

First of all, we must hold fast the fact that no Roman Synod was held in the year 500. That which Pagi specifies as an act of such a Synod, namely, the removal of the submissive Antipope Lawrence to the bishopric of Nocera, was either decreed by the Synod of March 499, described above, or soon afterwards by Pope Symmachus alone. The former view has recently been maintained by Jaffé in his *Regesta Pontificum* (p. 62); the Bollandist, on the other hand (*l.c.* p. 638, n. 23), is more in favour of the other theory; and the vague manner in which the original documents state the matter would admit of either supposition. The anonymous author of the *Vita Symmachi*, already mentioned, represents the affair as if this Pope and his opponent Lawrence had brought their case before the *royal* tribunal (that of the Ostrogothic King, Theoderic the Great), and had been obliged to appear at his court, where Symmachus had prevailed through money, whilst Lawrence had been induced by threats and promises to accept the bishopric of Nocera. It must not be forgotten, in reference to this and other statements of the anonymous author, that he was a violent opponent of Symmachus and a decided adherent of Lawrence.

Unfortunately the peace of the Church was again disturbed after a short time, so that in Rome, towards the end of the year 499, and in the year 500, both parties came to violent and even to sanguinary conflicts. In this matter the friends of Lawrence peculiarly distinguished themselves by acts of violence; and at their head stood two laymen of exalted position, the Senators Festus and Probus (or Probinus), as well as the Deacon Paschasius, who from his asceticism had a reputation for holiness among the people. In their passionateness they did not disdain to bring their complaints against Symmachus before the heretical King Theoderic.

It is rather astonishing that none of the Synods, which had soon afterwards to examine the accusations against Symmachus, should communicate anything more precise on the offences which were laid against the Pope for punishment. Baronius (*ad ann.* 502, n. 32) thinks that this resulted from reverence for the holy see. From the apology which Ennodius († 521, bishop of Pavia) drew up on behalf of Symmachus, we see, however, that he was accused of adultery;[1] and we learn from the anonymous *Vita Symmachi* that he was charged with many *crimina*, and, because he had not celebrated Easter with the other Christians, he was summoned to the court in order to give an account of this difference. The King is said to have ordered him to remain at Ariminum; but that here, when taking a walk, he had once seen that those women with whom he was accused of having sinned were, at the command of the King, on their way to the residence. Upon this it is said that he fled in haste to Rome, and shut himself up in S. Peter's Church; and that his clergy had fallen away from him, and had declared to the King that Symmachus had fled without their knowledge. The clergy are also said to have accused him of squandering the property of the Church. That this last point was among the accusations against Symmachus we shall see from his own address at his fifth Synod on the 6th of November 502 (see below in this section).

His enemies, clergy and senators, now petitioned the King to send a Visitor to Rome, who should examine the accusations against Symmachus, and govern the Roman Church until the issue of the affair. Theoderic agreed to this, and nominated for this purpose Bishop Peter of Altino. We learn more particularly from a second letter of Ennodius[2] that the Visitor, in opposition to the King's commands, did not remain impartial, but placed himself passionately on the side of the opponents of Symmachus. We are told by the anonymous *Vita Symmachi* that he came to Rome at Easter,

[1] Cf. Mansi, t. viii. p. 284, where the *Libellus Apologeticus* of Ennodius is printed.

[2] From the Panegyric to King Theoderic, extracted in Baronius, *ad ann.* 500, n. 3 sqq.

and it is added, which for our purpose is much more important, that at the command of the King a Synod was held in Rome immediately after Easter, in order to allay the strife in the Church. That the Easter of the year 501 is here meant, we learn from an edict, dated August 8, 501, addressed by the King to the bishops, who had remained in Rome after the close of this Synod.

We have seen that the first Synod for the removal of the new schism was held under Symmachus in the year 499, so that the Synod just described is to be reckoned the second, and must have been so reckoned by his contemporaries, otherwise Ennodius could not have designated that Synod for which he wrote an apology on behalf of Symmachus as the fourth (see below, in this sec.). This ancient manner of reckoning, which was forsaken by others, we will again retain. We find intelligence on this Synod (*a*) in the Acts of the later assembly of October 23, 501; (*b*) in some letters from and to King Theoderic; and (*c*) in the anonymous *Vita Symmachi*; only the latter throws together several Synods which were held soon after each other on the same matter, and treats them as only one,—a confusion which is overlooked by Mansi.

From the first of these three sources we learn that our Synod was held in the *Basilica Julii* at Rome, and that bishops from Liguria, Æmilia, and Venetia were present. They immediately declared that the right of convoking a Synod belonged to the Pope, and not to the King, because the precedence of the Apostle Peter had fallen to the see of Rome, and because, in accordance with the command of the Lord, the Councils had conceded to that see a peculiar distinction in the Church, so that the occupant of that see was not to be judged by his inferiors. For the pacification of the bishops the King let them know that Symmachus had also agreed to the convoking of this Synod, and he had the papal letter on the subject laid before them.

At the beginning of the business the Pope himself appeared in the assembly and explained that he was grateful to the King for its being called, that he saw in it the fulfilment of his own wish, and that he himself accorded to the

Synod the authority necessary for the examination of the matter. At the same time, he hoped that the Visitor, who, in opposition to religion and the rules and ordinances of the Fathers, had been demanded by a portion of the clergy, or by some of the laity, should be immediately removed by the assembled bishops, and that there should without delay be restored to him, the Pope, all that he had lost through his enemies, and that the bishop of so exalted a city should be replaced in his previous position. Then, and not before, he would reply to the accusations brought against him. To the majority of the bishops this seemed not unfitting; but the Synod did not venture to take any resolution without the assent of the King. Theoderic, however, gave order that Symmachus must first, and before he should be reinstated in all the property of the Church, answer the accusation of his enemies. As the Pope would not agree, this Synod remained without result.[1]

In agreement with this, although much more brief, is our third original document, the *Vita Symmachi*, if we rightly understand its text, which in this place is certainly somewhat corrupt, which relates that a portion of the bishops and senators (so these also were at the Synod) were unwilling to place everything in the power of Symmachus, that is, to restore immediately to him the property of the Church, which he demanded; and that (by others) it was declared, that the Roman bishop could be judged by no one, even if he were guilty of such crimes as those of which Symmachus was accused.[2]

From the second source, finally, from the already mentioned letter of King Theoderic of August 8, 501, we see that by this time several bishops had left Rome without giving a decision, and that the rest appealed to the King, and requested him to hold a new Synod in his residence at Ravenna. In his answer, which was addressed to Lawrence of Milan, Marcellinus of Aquileia, and Peter of Ravenna, as the heads of the Synod, he praises them and their colleagues, that they had not, like the others, in a thoughtless manner, left the city without the permission of the King. He said he should

[1] Mansi, t. viii. p. 247 sqq; Hardouin, t. ii. p. 967 sq.

[2] In Muratori, *l.c.* p. 46.

bring together a new Synod on the 1st of September, by means of which the subject in suspense might be settled by general resolution, and that the Synod should be at Rome, as he had reasons for not complying with the wish of the bishops in regard to Ravenna. In case, however, peace and tranquillity should not be restored by means even of the new Synod, he would put aside all his other business and come himself to Rome.[1]

In a second letter of VI. Kal. Sept. (August 27) of the same year,[2] the King again required of the bishops who had been summoned to the Synod, to restore the peace of the Church in Rome. He said he had placed all things in their hands. He had also sent the royal house stewards Gudila and Bedeulphus, together with Arigernus,[3] to Rome, in order to manage that Bishop Symmachus should appear before the Synod. They would give him adequate security to enable him to come over to the other side of the city and appear before the Synod.[4]

As first and chief source of information respecting the new Synod, held in Rome, September 1, 501, the third under Symmachus, we employ the Acts of the following or fourth Synod, which have already proved most serviceable to us in reference to the second Synod. We learn from these that the bishops met in the Basilica of the Holy Cross of Jerusalem, called also the *Basilica Sessoriana* after the former owner of the place, and that the Synod was under the influence of the enemies of Symmachus, who repeatedly stirred up tumults against him. In this document a double wrong is mentioned. They had first maintained that the King himself

[1] Mansi, t. viii. p. 253 sq.; Hardouin, t. ii. p. 971 sq. This letter is dated, "Sub die VI. Idus Augusti, Rufo Magno Fausto Avieno V. C. Cos." Mansi, by erroneously inserting a comma, makes it appear that this means two consuls, whereas it means only the one Western consul for the year 501. The consul for the East in the year 501 was Fl. Probus.

[2] In Mansi, t. viii. p. 254 sqq.; Hardouin, t. ii. p. 972 sq.

[3] That this, and not Conzatiernus, is the right reading, and that Arigernus was actually *Major domus*, is clear from the *Relatio Episcoporum ad Regem* in Mansi, *l.c.* p. 256; Hardouin, *l.c.* p. 973.

[4] The Pope lived in S. Peter's; but the new Synod was held in the Church of Ss. Croce in the east end of the city, not far from the Lateran; so that Theoderic could say that the Pope should come *citra urbem*.

had got to know that the Pope was guilty; but again this statement was shown to be untrue. Besides this, they had in the second place demanded that the Pope's own servants (slaves) should be brought forward as witnesses against him, whereas there should be the same rule for ecclesiastical as for civil trials, that slaves should not be allowed to appear against their masters.

These Acts inform us further, that when the Pope appeared to defend himself, his enemies fell upon him and his attendants, so that many priests were wounded, and many would have been killed if the three royal stewards had not prevented it, and conveyed the Pope back to his residence within the walls of S. Peter's.[1] This occurrence was reported by the Synod to the King, and the Pope was requested to appear personally for the second time. He replied that he had humbled himself at first to clear himself, and had almost been put to death; but that now (he would appear no more and) the King might decide concerning what was right.[2]

With this agrees our second source, a letter of the Synod to the King, thanking him for sending the three stewards. In this the bishops say: "In our second session[3] we sent deputies to the Pope, so that he might appear for trial. But he answered: 'At the beginning, without any hesitation I hastened into the meeting, and placed my privileges (of not being judged by others) at the will of the King, recognised the authority of the Synod, and in accordance with ecclesiastical rule demanded the restitution of the churches and the property of the Church; but instead of my request being granted, I and my clergy met with cruel ill-treatment (*crudeliter mactatus sum*). I therefore no longer submit myself to examination by the Synod, and it remains for God and the

[1] The Church of the Holy Cross of Jerusalem and S. Peter's Church (in the extreme north-west corner of Rome) are the most remote points from each other in Rome.

[2] Mansi, t. viii. p. 249 sq.; Hardouin, t. ii. p. 968 sq.

[3] By *ex secunda synodo* the second session of the third Synod is meant, as is shown by the context and by comparison with the contents of the next source. In the first session of the third Synod, Symmachus had appeared, but had been maltreated, and conducted back to his residence by the royal stewards. Later on, in the second session, the Synod invited him to appear again, but he came no more.

King to decide my case in the future.' For this reason we sent the house-steward Arigernus to him, and he can himself acquaint you with the answer which he received from him. We can now do no more. According to the canons, all bishops have a right of appeal to the Pope; but what is to be done when the Pope himself appeals? We cannot pronounce his condemnation in his absence, nor can we declare him as guilty of obstinacy, since he (at first) presented himself before the judges, and especially as it has never yet happened that a Pope was tried by bishops. We have, besides, done all that was possible to restore peace to the Church in Rome, and have exhorted the clergy of the city to peace; but they have disregarded our wholesome exhortation, so that it now remains for the King to make provision for the peace of the Church. Finally, we ask permission to be allowed to return home."[1]

The nature of the wholesome admonition referred to, which was addressed by the Synod to the Roman clergy, we learn more clearly from the third source, the author of the *Vita Symmachi*. He says that the bishops (*aliquanti episcopi* only according to him) repeatedly called upon the clergy who had fallen away from Symmachus to return without delay to his obedience; but that they put off, and required that Symmachus should either clear himself of the charges against him or be deposed from his spiritual office.[2]

The King was indignant with the Synod for not having settled the controversy in hand, and for having (at the end of their letter) even passed on the matter to him. He replied therefore, on the 1st of October 501, that, if he had wished to decide the controversy, he would with God's help have established the right, and so have given peace to the present and to the succeeding generation. But he had not regarded it as his business *de ecclesiasticis negotiis aliquid censere*, and that therefore he had convoked the bishops from different provinces and given over the whole matter to them for decision. It was their business to decide what seemed good to them, and not to expect from him the form of their judgment. He

[1] Mansi, t. viii. p. 256; Hardouin, t. ii. p. 973 sq.
[2] Muratori, *l.c.* p. 46 sq.

submitted entirely to their consideration and their conscience the question whether they would consider the offences charged against Symmachus as deserving punishment or not. They might do about this as they would, and as they would have to answer before God, only it was their business to restore peace to the Roman Church (by pronouncing which was the legitimate Pope), so that no division and disorder should remain.[1]

It is probable that in delivering this royal missive the royal Anagnosticus (Lector) read a further communication from Theoderic to the Synod which was still assembled in Rome, which in part had the same contents with the one just quoted, but also contained a fresh exhortation to the bishops to judge justly and impartially. If, however, they should come to no definite decision, this would be a bad example to give to others and to the future.

If we rightly understand the close of this edict, the three house-stewards were in it instructed to extend every possible protection to Pope Symmachus in case he should be willing to come to the Synod; and the Synod was commanded to give over the Lateran, as well the building as the area, to him in whose favour their judgment might be given.[2]

Upon this the bishops assembled anew on the 23rd of October 501 (where, the minutes do not say), and this is the assembly which is called by Mansi and others the third, but by the Acts, and with propriety, the fourth.[3] Thus, *e.g.*, Ennodius entitled his Apology, which he wrote for this Synod, as *Apologeticus pro Synodo quarta Romana*,[4] and it was also called the *fourth* at the last Synod but one, the sixth, held under Symmachus.[5] There, too, in some MSS. it is called the *Palmaris*, and is often mentioned under this name by the ancients. An examination of the meaning of this title is found in Baronius, and the most probable view is that the Synod obtained this designation from the supposed place of

[1] Mansi, t. viii. p. 257; Hardouin, t. ii. p. 974.

[2] Mansi, t. viii. p. 257 sq.; Hardouin, t. ii. p. 975.

[3] The minutes are printed in Mansi, t. viii. p. 247 sqq.; Hardouin, t. ii. p. 967 sqq.

[4] In Mansi, t. viii. p. 271.

[5] Mansi, t. viii. p. 295; Hardouin, t. ii. p. 983.

assembly, *a porticu beati Petri Apostoli, quæ appellatur ad Palmaria*, as Anastasius said.[1] Several scholars, particularly the Bollandist[2] and Mansi,[3] give the title *Palmaris* to the following Synod, which they call the fourth and we the fifth, but in manifest contradiction to the text of the minutes of the last Synod of this series.[4]

The Acts of our Synod (the fourth) begin with the statement that it was held by command of King Theoderic under the consulate of Rufus Magnus Faustus Avienus, by which, as has already been mentioned (p. 63), we are to understand only the one consul of the West. We must therefore read *viro clarissimo consule* instead of *viris clarissimis consulibus*. Accordingly this Synod belongs to the year 501, and must not be removed into the following year, as Baronius has done. It is quite true that the consul for the year 502 had the same name Rufus Magnus Faustus Avienus;[5] but when the latter is meant, *Junior* is added, whilst naturally, in the year 501, the elder Avienus was quoted simply and without the addition of *Senior*, since there was at that time no Junior as consul. But Pagi (*ad ann.* 503) is more astray than Baronius when he ascribes this assembly to the year 503, arbitrarily rejecting the chronological datum which, as we have said, is found in the minutes, and thus makes it later than the following Synod.

Immediately after the introduction just noticed, the Acts of the *Synodus Palmaris* give first a brief historical survey of the two previous assemblies of the same year, 501, *i.e.* of the second Synod held at Easter 501 in the Church of S. Julius, and of the third Synod held on September 1 in the Basilica of the Holy Cross of Jerusalem. We have already related the contents of this part. Next comes an extract from the letter of Theoderic of October 1, mentioned above, after which the Synod proceeds to draw up its own decrees. On account of the high consideration of Peter which had descended to his successors, they said, they had not ventured to pass

[1] Cf. Baronius, *ad ann.* 502, n. 1, 2. [2] *l.c.* p. 640, n. 36.
[3] Mansi, t. viii. p. 305.
[4] Mansi, t. viii. p. 295; Hardouin, t. ii. p. 983.
[5] According to Mansi, *l.c.* p. 265, the latter was called Flavianus Avienus.

judgment upon the Pope, but preferred to leave this to God, to whom all secrets were open. In regard to men, therefore, Symmachus was freed from all the charges, and all who had fallen away from him should return to his obedience, at the same time almost the whole people had remained steadfast to him. It would thus belong to Symmachus to celebrate the holy mysteries in all the churches of his jurisdiction, and everyone must receive the communion from him. The clergy, moreover, who had previously separated from him, must render him satisfaction, and then ask for forgiveness and be reinstated in their offices. Those clergy, on the contrary, who should in future venture to celebrate Mass in any sacred place in Rome without his consent should be punished as schismatics. The minutes were signed by seventy-six bishops, at the head of whom stood Lawrence of Milan and Peter of Ravenna.[1]

When the Acts of the Synod were received in Gaul, the bishops there, being unable, in consequence of the dismemberment of the empire, to hold a Synod,[2] commissioned Bishop Avitus of Vienne to express his judgment on this important matter in their name and in his own. Avitus therefore addressed a letter to the two senators, Faustus and Symmachus. In this letter he first complains that Christian bishops had accepted a command from the King to sit in judgment on the Pope, but commends them for having themselves seen the impropriety, and expressed their sense of it. In his double capacity of bishop and Roman senator, he adjures his senatorial colleagues to have the same care for the Roman Church as for the State, and to restore its peace.

We learn from the author of the *Vita Symmachi* that the resolutions of the *Synodus Palmaris* unfortunately did not obtain universal acceptance, but, on the contrary, those clerics and senators who belonged to the opposition presented a new memorial to the King in favour of Lawrence, who had for

[1] Mansi, t. viii. p. 247 sqq.; Hardouin, t. ii. p. 967 sqq.

[2] In the document to which we are indebted for this information, there is a letter of Bishop Avitus of Vienne to the senators Faustus and Symmachus (in Mansi, t. viii. p. 293 sqq.; Hardouin, t. ii. p. 981 sqq.), in which we must, in the first lines, supply *non* between *nos voti compotes* and *reddit*.

some time taken up his abode in the residence city of Ravenna, in order to be safe from Symmachus. They represented that it was prescribed by the canons that every bishop was bound to remain in the church for which he had been consecrated, and that therefore Lawrence should return to Rome and preside over the church for which he had been consecrated a considerable time ago. Lawrence did, in fact, return to Rome (probably at the beginning of the year 502), and remained there four years, during which time the strife of the parties went on with violence, and both sides repeatedly appealed to the King.[1]

In this interval falls the fifth (otherwise called the fourth) Synod, assembled by Pope Symmachus on the 6th of November 502, under the consulate of the younger Avienus, in S. Peter's Church in Rome, which, as we know, was in his hands. Baronius regards this Synod as only a new session of the *Palmaris*, proceeding upon the assumption already disproved, that this Synod also belonged to the year 502. Pagi, however (*ad ann.* 502–503), has reversed the order, and placed our fifth Synod before the *Palmaris*. At the very beginning of the minutes of this Synod it is mentioned that there were present eighty-one bishops, thirty-four priests, and four deacons, all Italians; whilst the subscriptions, of which Mansi gives two copies from different MSS., contain rather fewer names.[2] These numbers were, to a large extent, the same as at the previous Synod.

First of all, Pope Symmachus addressed the assembly, and commended them for their previous resolutions (in the *Synodus Palmaris*). He then ordered the deacon Hormisdas to read a document which, two decades before, had been put forth by Basil, the *Præfectus Prætorio* under Odoacer, at an assembly of the Roman clergy in S. Peter's Church, and contained a command that they should not, after the death of Pope Simplicius (A.D. 483), elect a successor to him without the permission of the King. The same decree forbade every Pope to alienate any portion of the goods and ornaments of the churches under penalty of anathema to the vendor, and other penalties for the purchaser. During the reading of this

[1] Muratori, *l.c.* p. 47. [2] Mansi, t. viii. p. 265 sqq.

passage the Synod expressed its indignation that a layman should threaten anathema to a cleric (the Pope who sold), and several bishops of distinction, particularly Lawrence of Milan, Peter of Ravenna, and Eulalius of Syracuse, immediately declared this edict as invalid, because no Pope had subscribed, and because no layman had the right to issue instructions respecting the property of the Church. Indeed, even bishops, according to the ancient canons, had no right to give decisions respecting the property of the Church without the assent of the Metropolitan or Primus (see vol. ii. sec. 113). Least of all could a layman, when no Pope, who had the primacy of the whole world, was present, make disposition of Church matters.

The whole Synod concurred in this judgment, and declared the decree in question wholly invalid, and at the same time forbade any layman, however pious or powerful, to put forth ordinances on Church property, since the care of such things was by God intrusted to the priesthood alone. In order, however, to protect the property of the Church, and to shame his enemies who had accused him of squandering it, Pope Symmachus now published the law, that henceforth no occupant of the apostolic see should finally dispose by sale or exchange of any estate, small or great, belonging to the Church, and that the proceeds of such should accrue to no others than clerics, prisoners, and strangers; only the houses of the Church in cities, the maintenance of which was very expensive, might be exchanged after a fair valuation. This law should apply not merely to the Pope, but also to the occupants of all particular churches in Rome, whether priests or not. Finally, everyone selling Church property was threatened with loss of his dignity; every buyer, and everyone who signed such a contract of sale as witness, with anathema, and the clergy were authorised to claim back all alienated Church property and its proceeds. This whole law, however, was to apply only to Rome, and not to the provinces, since there the local bishops had themselves to arrange what was suitable.[1]

Occasion for a new Synod was given by the continued acts of enmity committed by the opposition party. In order

[1] Mansi, t. viii. p. 265 sqq.; Hardouin, t. ii. p. 976.

to destroy the importance of the fourth Synod (the *Palmaris*), which had acquitted Symmachus, the opponents published a memorial with the title: "Contra synodum absolutionis incongruæ" (against the Synod of the improper absolution). But Ennodius, of whom we have heard, came forward with his *Apologeticus pro Synodo quarta Romana*.[1] We learn from this the objections which the enemies of Symmachus brought against that Synod, namely, that all the bishops had not been summoned by the King to the assembly, that not all who were present had agreed in the decision, that they had not heard the Pope's accusers (his own slaves), that the members of the Synod had been too old, that they had not sufficiently attended to the command of the King, and had involved themselves in a contradiction; since, on the one hand, they had maintained that the Pope could not be judged by his inferiors, and yet had brought him before them; and, moreover, that it was something new for a Pope to convoke a Council in order to defend himself against accusations.

Thereupon the sixth (otherwise the fifth) Synod under Symmachus was held at Rome *after* the consulate of Avienus, as the Acts say, and so in the year 503 (the month unknown), *ante confessionem B. Petri, i.e.* before the grave of S. Peter.[2] At the very beginning the memorial of Ennodius, already mentioned, was publicly read, universally approved, and its preservation and introduction into the Acts of the Synod between the minutes of the fourth and fifth assemblies ordered, with which Symmachus entirely agreed. The members of the Synod then demanded that the opponents and accusers of the Pope should be punished, and saluted himself with loud shouts of joy. He, on his part, entreated that they would be gentle with them according to the word of Christ, that he who wished to be forgiven by God must also forgive his brethren. In order, however, that for the future nothing of the kind should be attempted against a Pope, there was no

[1] Printed in Mansi, t. viii. pp. 271–290. Extracted by Baronius, *ad ann.* 503, n. 2; and still better by Remi Ceillier, *Histoire des auteurs sacrés*, t. xv. p. 643 sqq.

[2] Pagi's remarks (*ad ann.* 503, n. 11) against the possibility of this date (503), and in favour of 504, in opposition to the indication of time in the minutes, are based upon his false assumptions in regard to the earlier Synods.

need, he said, for any new ordinances, since the old were sufficient, and these were now read, confirmed anew, and embodied in the minutes.[1]

At the same time, the Synod appointed the punishment for the transgression of these laws. Again acclamations broke out in honour of Symmachus, and all the bishops present joined with him in subscribing.[2] After the Pope came next the bishops already mentioned, Lawrence of Milan, Peter of Ravenna, and Eulalius of Syracuse. The MSS. still extant give 214 names (not 218 as in the superscription); but probably some subscriptions of earlier Councils have been added by mistake to the genuine subscriptions of this Synod, for there occur among the 214 several names of bishops who had been present at the Council of Chalcedon more than fifty years before.[3]

The last Synod of this series is called the sixth at the beginning of the Acts, which, however, are the work of a later collector of Councils, and not of its own secretaries. As already shown, it was really the seventh, and was held under the presidency of Pope Symmachus on the 1st of October, probably in the year 504, and again in S. Peter's Church.[4] On the proposal of the Pope, the older laws against the embezzlers of Church property, and against the misconduct of priests, were again brought to remembrance, and confirmed with many acclamations: "Whoever possesses the property of the Church without permission of the bishop, and dares to persist in possession, and conceals the property of God from His servants, shall first be expelled from the

[1] They are found also in the *Corpus jur. can.* c. 13, C. ii. q. 7; c. 3, 4, C. ii. q. 2; c. 3, C. iii. q. 1; c. 7, C. xii. q. 2; and c. 3, C. iii. q. 5. In *Corpus jur. can.* these passages are ascribed to Popes Eusebius, John I., Nicolas, and Stephen (only the last to our Symmachus). But this is the work of pseudo-Isidore, and we see from this example his manner of putting later ordinances then in force into the mouths of earlier Popes. Cf. my Essay on pseudo-Isidore in the *Tübinger Theolog. Quartalschr.* 1847, S. 592, and in Wetzer and Welte's *Kirchenlexicon*, *s.v.*

[2] Mansi, t. viii. p. 295 sqq.; Hardouin, t. ii. p. 983 sqq.

[3] Cf. Baronius, *ad ann.* 503, n. 9; Mansi, *l.c.* p. 303, nota *b*; Remi Ceillier, *l.c.* p. 643.

[4] Pagi (*ad ann.* 504, n. 2) also decides for the year 504. So Baronius, *ad ann.* 504, n. 3; Remi Cellier, *l.c.* p. 648.

Church by the bishop of the place. Those who do not amend are to be regarded and punished as murderers of the poor. But the punishment must be preceded by a clear admonition. Moreover, the excuse is inadmissible, that anyone possesses ecclesiastical property as a present from the King or any other secular power." Upon this the 7th and 8th canons of Gangra in reference to the property of the Church (see vol. ii. p. 327 sqq.) were repeated and explained, that it was a gross sacrilege if Christians, and especially Christian rulers and princes, should alienate to others what someone, for his soul's health, had presented to the Church; and all were threatened with eternal anathema who should unrighteously possess or accept Church property, or should give, lend, or bequeath it to their heirs.[1]

The minutes of this Synod, which are drawn up at unusual length, were signed by the Pope and 103 other bishops. Some MSS. have still more subscriptions; but in these the names of the bishops as well as of their sees are given incorrectly.[2] Immediately after the Pope, in this case, came the signature of Peter, bishop of Ravenna. But Lawrence of Milan does not appear, although he was still alive, and did not die until the year 512. We know, moreover, from Cassiodorus,[3] that King Theoderic regarded the decisions of the Synod as valid, and recommended the restoration to the church of Milan of the property of which it had been deprived. In like manner, we have an edict from this King, dated March 11, 507, in which he declared the similar ordinance of the fifth Synod to be binding.[4]

There is mention of another, the eighth Roman Synod under Symmachus, which anathematised the antipope and the visitator. It was discovered by Remi Ceillier (*l.c.* p. 649) in Anastasius. He says: "Anastase fait mention d'un Concile de Rome sous Symmaque, où il dit que ce Pape fut absous par 115 Evêques, et Pierre d'Altino, nommé Visiteur par

[1] Mansi, t. viii. p. 309 sqq.; Hardouin, t. ii. p. 989 sqq.

[2] Mansi, t. viii. p. 316.

[3] Var. ii. Ep. 29. So Baronius, *ad ann.* 504, n. 4, and Binius (in Mansi *l.c.* p. 316) remarked.

[4] In Mansi, t. viii. p. 345; Hardouin, t. ii. p. 963.

Théoderic, condamné avec Laurent, compétiteur de Symmaque, mais Ennode n'en parle pas dans son Apologétique, ni Symmaque dans le sien. Auroient-ils oublié l'un et l'autre un jugement qui ne pouvoit que fortifier leur cause?" Remi Ceiller might, with still greater propriety, have appealed to a document of the year 506, in which the Roman deacon John, who had hitherto taken the side of the opposition, declares his submission to Symmachus in the words: "Consentiens quæ veneranda Synodus judicavit atque constituit, anathematizans Petrum Altinatem et Laurentium Romanæ ecclesiæ pervasorem schismaticum."[1]

It cannot be denied that another Synod, the eighth, shortly before the year 506, may have pronounced the sentence of condemnation on the visitator and the pretender to the papacy, but it is more probable that this took place at the *Synodus Palmaris*, or one of the Synods immediately succeeding. If Symmachus was recognised as the only genuine Pope, as was done in the *Palmaris*, the rejection of his opponents was the natural consequence. We must not, however, forget that the *Synodus Palmaris* was subscribed by only 76 bishops, whilst Anastasius assigns 115 to his Synod. Often, however, the subscriptions are not complete, or at least have not come down to us complete.

On the issue of the conflict between Pope Symmachus and his opponents, no other Council gives us any information, nor any ancient document except the anonymous *Vita Symmachi*. We learn here that four years after the return of the Antipope Lawrence, namely, in A.D. 505 or 506, Symmachus after many attempts succeeded in bringing the King over to his side, and this through the mediation of the Alexandrian deacon Dioscurus, whom he had sent to him for that purpose. Theoderic now commanded that all the churches in Rome should be given over to Symmachus, and that he alone must be recognised as bishop of this city.[2] Upon this, it is said, Lawrence, in order to avoid further disturbances, had of his own accord withdrawn to an estate in

[1] Mansi, t. viii. p. 344; Hardouin, t. ii. p. 963.

[2] About this time, too, the Roman deacon John, as we have already seen, made his submission to Symmachus.

the country, and ended his days here as a severe ascetic. Nevertheless the schism in the Roman Church lasted to the death of Symmachus, because he, although now victorious, had in many ways stained his good name, particularly by ordaining for money.[1] He also caused the Church of S. Martin by S. Silvester to be built, adorned, and dedicated at the expense of Palatinus, a highly respected man; and, besides, he had several cemeteries restored, particularly that of S. Pancratius, and several new ones built.[2] Symmachus did not die until the year 514, and during his pontificate several other Councils were held outside Rome.

Sec. 221. *Byzacene Synod*, A.D. 504 *or* 507.

It is customary to assign the Byzacene Synod (in the African province of that name, south of Carthage) to the year 504. But Labbe, even in his time, thought it more correct to place it in the year 507, because Fulgentius of Ruspe was made bishop soon after the Synod, and his elevation belonged to the year 507 or 508.[3] Moreover, he also rightly drew attention to the fact that the assembly was not properly a Council, but only a conference of some African bishops. The only source from which we draw information respecting this Council is the disciple and biographer of S. Fulgentius of Ruspe, the deacon Fulgentius Ferrandus, and he relates that at the time when the Vandal and Arian King Thrasamund exiled the largest number of the orthodox bishops of Africa, and forbade others to ordain, those who still remained had formed the resolution, in spite of this prohibition, to care for the orphaned churches, and that in consequence many priests and deacons were in all haste consecrated bishops.[4]

[1] We must not forget that the author of the *Vita* was a violent opponent of Symmachus. See above, p. 59.

[2] In Muratori, *l.c.* p. 47.

[3] The year in which Fulgentius was ordained cannot be determined with certainty. It is supposed to have been between 505 and 508. Compare the examination of the Ballerini in their Observations in Norisii *Opp.* t. iv. p. 933.

[4] Mansi, t. viii. p. 317. Wanting in Hardouin.

Sec. 222. *Synod at Agde (Agatha)*, A.D. 506.

Of greater importance is the *Concilium Agathense*, which was celebrated at Agde in South Gaul, near the shore of the Mediterranean Sea, in the province of Languedoc, in September 506. There were thirty-five bishops present, and thirty-four subscribed.[1] At their head, as is shown by the subscription, stood Archbishop Cæsarius of Arles, and in a short preface to the canons the bishops state that they had met in S. Andrew's Church at Agde with the permission of the West Gothic (Arian) King Alaric, in order to take counsel on discipline, on the ordination of clergy and bishops, and on matters useful to the Church.[2] In the Collections of the Councils there are ordinarily seventy-one canons of this Synod published, which were regarded as genuine by Gratian, and which he received almost in their complete form into his *Decretum*. Besides, we find both in his works and in the older collections of Burchard of Worms and Ivo of Chartres, some other canons ascribed to this Synod.[3] But it was pointed out by Sirmond that only forty-seven belong to it; all the others are lacking in the oldest manuscripts of the Conciliar Acts, and proceed from other Synods, although they were at an early period placed among the canons of Agde.[4] The forty-seven genuine canons have the following content:—

1. After the reading of the earlier ordinances, *De digamis non ordinandis*, particularly of the 1st canon of the Synod of Valence, A.D. 374 (see vol. ii. p. 289), the Council softened the ancient harshness to the extent that those *Bigami* or husbands of widows who had already been ordained, should retain the title (dignity) of the presbyterate and diaconate, but that such priests should not consecrate (say Mass), and such deacons should not serve (at the altar).

[1] Remi Ceillier, *Histoire des auteurs sacrés*, etc., t. xv. p. 656, gives erroneously eighty-four.

[2] Mansi, t. viii. p. 323; Hardouin, t. ii. p. 997; Sirmond, *Concilia Galliæ*, t. i. p. 161.

[3] Mansi, *l.c.* p. 338 sqq.

[4] Cf. Sirmond, *Concilia Galliæ*, t. i. p. 170; Mansi, *l.c.* pp. 333 and 340, nota 6; Hardouin, t. ii. p. 1003, note after can. 47; Remi Ceillier, *l.c.* p. 656 sq.

2. Disobedient clerics were to be punished by the bishop. If any among them should presumptuously despise the communion (of the bishop), not attend the church, and not fulfil their office, the *peregrina communio* should be given to them until they return. Remi Ceillier (*l.c.* p. 657), under reference to the dissertation of Jacobus Dominicus, *De communione peregrina*, explains this expression thus: They were, like strange clergy, to communicate after the rest of the clergy, but before the laity. This explanation, however, is incorrect. The true meaning is recognised by Aubespine, and after him by Bingham, who has written a whole dissertation on this term.[1] They remark that just as strangers, even when they have no letters of peace, were yet provided with all that was necessary, and were received into the *communio benignitatis*, but not to the *communio altaris*,[2] so they dealt temporarily with disobedient clerics, in order to reform them, and that this temporary exclusion from the church was a much slighter punishment than the permanent removal into *communio laicalis*.[3] The same explanation is given by Böhmer in his edition of the *Corpus jur. can.* in the note to c. 21, Dist. 50, where we find our canon of Gratian adduced.

3. If a bishop has excommunicated anyone who is innocent, or who has committed only a very slight fault, the neighbouring bishops should advise him; and if he does not comply, they should not, at the next Synod, deny the communion to the excommunicated person, so that he may not through the fault of others die without this. (In the old collection of Church ordinances of Burchard, the end of this canon runs as follows: "If the bishop will not follow his colleagues, they shall exclude him from their communion until the next Synod.") In the *Corpus jur. can.* our canon is c. 8, Causa xi. q. 3.

4. Clerics and laymen who take back presents made to the Church or to a monastery by their ancestors or themselves,

[1] *Origines*, etc., t. viii. p. 27 sqq., t. ii. p. 206 [Bk. v. c. 1, S. 3; xv. c. 5; xvii. c. 2].

[2] See vol. i. p. 471; *Apost. Canon.* 34.

[3] In this sense *communio peregrina* is used also in c. 3 of the Synod of Riez (vol. iii.), and in c. 16 of the Synod of Lerida, A.D. 524. See below, sec. 237.

shall be excommunicated as murderers of the poor. See above, sec. 220; cf. c. 11, C. xiii. q. 2.

5. If a cleric has stolen anything from the church, he shall be removed into *communio peregrina* (cf. c. 2). In the *Corpus jur. can.* this canon is united with the previous one as c. 11, C. xiii. q. 2.

6. What is left or presented to a bishop, whether to him and the Church alike or to him alone, belongs, not to the bishop as personal property, but is the property of the Church; for the giver meant to care for the salvation of his soul, not for the use of the bishop. Justice also requires that, as the bishop enjoys that which is bequeathed to the Church, so the Church should have what is presented to the bishop. If, however, anything is left in trust to the bishop or to the Church, with the intention of its coming afterwards to another, the Church must not retain this as property, cf. c. 3, C. xii. q. 3. This canon was repeated in c. 20 of the Synod of Reims, A.D. 625.

7. No bishop shall alienate the buildings, slaves, or furniture belonging to the Church, because they are the property of the poor. In case of its being necessary, however, to give anything, in the interest of the Church, for sale or for usufruct, this can be done only with the consent and subscription of two or three neighbouring comprovincial bishops. Moreover, if a bishop grants their liberty to any slaves who have made themselves deserving of it, his successors must respect this act, and must also leave them that which his predecessor had presented to them in fields, vineyards, and dwelling, only that it must not exceed twenty *solidi* in value. If what was given is worth more, the excess must be restored after the death of the emancipator. Insignificant and less useful goods of the Church may be given to strangers and clerics for usufruct, with reservation of the Church's right of possession. Cf. c. 1, C. x. q. 2.

8. If a cleric leaves his office and has recourse to a secular judge on account of (ecclesiastical) punishment (*i.e.* to escape it), then he and the judge who admits him shall be excommunicated. Cf. c. 1, C. xxi. q. 5.

9. If married deacons or priests wish to return to the

nuptial couch, the ordinances of Popes Innocent and Siricius shall apply. For this reason the *Ordinatio Innocentii*, which also includes the older ordinance of Siricius, was appended to this canon. Both require that such incontinent clerics shall be deprived of all ecclesiastical dignities and offices. Only those who did not know that the continuance of marital intercourse was forbidden, may be allowed to retain their office, if they abstain for the future.

10. A cleric must not visit strange women nor have them in his house; and he must live only with his mother, or sister, or daughter, or niece.

11. Female slaves also and freedwomen must be removed from the service and from the house of a cleric.

12. All members of the Church must fast daily during Lent, even on Saturdays, Sundays alone being excepted. Cf. c. 9, *De Consecrat.* Dist. iii.

13. In all churches the sacrament of baptism is to be administered to the candidates on the same day, namely, eight days before Easter. Cf. c. 56, *De Consecrat.* Dist. iv.

14. The altars are not only to be anointed with chrism, but are also to be blessed. Cf. c. 32, *De Consecrat.* Dist. i.

15. Penitents[1] shall receive from the priest the imposition of hands and a cilicium upon the head. If, however, they do not cut off their hair and change their clothes, they must be rejected. Young people, on account of the weakness of their age, must not lightly be admitted to penance. But the Viaticum is not to be refused to anyone who is near death. Cf. c. 63, Dist. l.

16. The bishop must ordain no one a deacon who is not twenty-five years old. If a young married man wishes to be ordained, he must be asked whether his wife also agrees, and is willing to depart from her husband's abode and practise continence.[2] Cf. c. 6, Dist. lxxvii.

[1] By penitents we are to understand not only such as are condemned by the Church to public penance, but also those who, from repentance for their sins committed in secular life, make a vow (*professio*) of continence, and are often also called *conversi*. Cf. c. 16 and (above, sec. 164) c. 21, below (sec. 224), c. 11 of the first Synod of Orleans. On *Viaticum*, cf. (sec. 229) c. 9 of the Synod of Gerunde. On the meaning of our canon, cf. Frank, *Die Bussdisciplin der Kirche* (The Penitential Discipline of the Church), Mainz 1867, S. 497 and 596.

[2] *Conversio* is here and often equivalent to *professio continentiæ*. Cf. c. 22

17. A priest or bishop must be thirty years old before being ordained. (Gratian has united this canon with the previous one in c. 6, Dist. lxxvii.)

18. Laymen who do not communicate at Christmas, Easter, and Pentecost are not to be regarded as Catholics. Cf. c. 19, *De Consecrat.* Dist. ii.

19. Nuns (Sanctimoniales), however their morals may be approved, must not receive the veil before they are forty years old. Cf. c. 13, C. xx. q. 1.

20. If clerics are careful of their hair, it must be cut off even against their will by the archdeacon; and they must wear only becoming clothes and shoes. Cf. c. 22, Dist. xxiii.

21. Divine service may be held in oratories, but not at Easter, Christmas, Epiphany, the Ascension of Christ, Pentecost, the Nativity of S. John the Baptist, or other great festivals. On these days all must attend the parochial service. The ecclesiastic who says Mass on those days in an oratory is excommunicated. Cf. c. 35, *De Consecrat.* Dist. i.

22. Priests and clerics in towns, etc., may spend for themselves the Church property which the bishop has assigned to them, but they are not to sell it or give it away. Cf. c. 32, C. xii. q. 2.

23. A bishop must not with partiality pass over a blameless cleric and prefer a younger to him. If, however, the elder is not fitted for the archidiaconate, then the better qualified for the administration of the Church should be chosen by the bishop. Cf. c. 5, Dist. lxxiv.

24. In regard to children exposed, the ordinance of the older Council (of Vaison, c. 9, above, sec. 163) remains in force.

25. Laymen who separate themselves from their unfaithful wives without having waited for the sentence of the comprovincial bishops, in order unlawfully to enter into other unions, must be excluded from Church communion and from intercourse with the faithful. Cf. c. 1, C. xxxiii. q. 2, and c. 2 of the Council of Vannes, A.D. 465; see above, sec. 211.

of the Synod of Orange, and c. 43 of the Synod of Arles, A.D. 443 (sec. 162). Du Cange, *Glossar. s.h.v.*

26. If a cleric secretes or suppresses documents by which the Church can prove her right to a possession, or delivers them up to her opponents, he shall be excommunicated, and condemned to pay an indemnity. And the same shall be done to anyone who has tempted him to it. Cf. c. 33, C. xii. q. 2.

27. No one is allowed to build or found a new convent without permission of the bishop. Monks are not to be ordained clerics without a testimonial from their abbot; and no abbot must receive a strange monk unless his abbot gives his permission. Cf. c. 12, C. xviii. q. 2.

28. Women's convents must not be placed in the neighbourhood of men's convents, as well because of the cunning of Satan as because of the evil report of men. Cf. c. 23, C. xviii. q. 2.

29. The Church shall protect those who have been regularly liberated by their masters. Cf. c. 7, Dist. lxxxvii.

30. Divine service shall everywhere be held in the same manner. After the Antiphons, the Collects shall be said by the bishops or priests, the *hymni matutini* and *vespertini* be daily sung. At the close of matins and vespers (which are here called *Missæ*, see above, sec. 219), after the hymns, chapters out of the Psalms shall be said, and the people after the vesper prayer shall be dismissed by the bishop with a blessing. Cf. c. 13, *De Consecrat.* Dist. v.

31. Those who for a long time have enmity with one another shall first be admonished by the priest, and if they persist, shall be excommunicated. Cf. c. 9, Dist. xl.

32. A cleric must not without permission of the bishop sue anyone before the secular judge. If he is himself sued in this manner, he may answer; but he himself must bring no charge, least of all a criminal accusation, before the secular judge. If, however, a layman has falsely accused a cleric, he shall be excluded from the Church, and from the communion of Catholics. Gratian out of this canon made two, namely, c. 17, C. xi. q. 1, and c. 8, C. v. q. 6; but he brought in *non* before *respondeat*, so as to give this meaning: "If a cleric is summoned before a secular tribunal, he must *not* answer."

But in all the old and good MSS. the negation is wanting, as Sirmond assures us.[1]

33. If a bishop has no sons or grandsons, and appoints anyone save the Church his heir, then all that he has derived from the revenues of his Church and not spent for ecclesiastical purposes, and so saved, shall be deducted from what he has left. If, however, he has left sons, these shall see the Church unharmed in regard to the inheritance (by giving up a portion of it). Cf. c. 34, C. xii. q. 2.

34. If Jews wish to become Catholics, since they may so readily return to their vomit, they must remain eight months as catechumens before they can be baptized. Only if they come near to death may they receive baptism earlier. Cf. c. 93, *De Consecrat.* Dist. iv.

35. If the metropolitan summons the comprovincial bishops either to the ordination of a bishop or to a Synod, they must appear on the day appointed. Only serious illness or the command of the king excuses. If they do not appear, they remain, in accordance with the ancient canons, excluded from communion until the next Synod. Cf. above, sec. 113, c. 11 of the sixth Synod of Carthage; and sec. 200, note on c. 20 of the Synod of Chalcedon; also below, sec. 229, c. 6 of the Synod of Tarragona, where the idea of the excommunication here threatened is more fully discussed. In *Corpus jur. can.* our canon appears as c. 13, Dist. xviii.

36. All clerics who faithfully serve the Church shall be rewarded by the bishops after their deserving, and in accordance with the ordinances of the canons. Cf. c. 10, C. i. q. 2.

37. Murderers and false witnesses must be excluded from Church communion, unless they have expiated their crimes by penance and satisfaction. Compare c. 1 of the Synod of Vannes, above, sec. 211; and c. 20, C. xxiv. q. 3.

38. Clerics must not travel without the *epistolæ commendatitiæ* of the bishop. So also the monks; and if they do not attend to this admonition, they must be beaten. Monks are not allowed to separate from the community and

[1] In *Concilia Galliæ*, t. i. p. 601; in Mansi, t. viii. p. 340.

occupy separate cells (huts), unless when they are under probation or in case of sickness, when the abbot may soften the stringency of the rule for them. But even then they must (in their separate cells) remain within the walls of the monastery and under the supervision of the abbot. The abbots must not have several cells or monasteries. Only in case of hostile attacks they may (outside the monastery) erect residences inside the walls of a city. The same was ordained by the Synod of Vannes, A.D. 465, in canons 5 to 8; see above sec. 211. Gratian has our canon as c. 43, C. xx. q. 4.

39. Priests, deacons, subdeacons, or others not permitted to marry, must not be present at the marriages of others, nor in companies where erotic and indecent songs are sung, etc. A repetition of c. 11 of the Council of Vannes (sec. 211), and cf. c. 19, Dist. xxxiv.

40. Clerics and laity must not participate in the meals of the Jews.—This is forbidden by the Synod of Vannes (c. 12) to the clergy alone. In Gratian this canon stands as c. 14, C. xxviii. q. 1.

41. A clergyman who gets intoxicated must, as far as his position permits, be excommunicated for thirty days, or corporally chastised. Cf. c. 13 of the Synod of Vannes, and c. 9, Dist. xxxv.

42. Clerics and laymen who meddle with the *sortes sanctorum* must be excluded from the church. Cf. c. 16 of the Synod of Vannes (sec. 211), and c. 2, C. xxvi. q. 5.

43. Whoever has undergone ecclesiastical penance is forbidden, in accordance with previous synodal ordinances (cf. sec. 112), to become a cleric. If he is already ordained, he shall be regarded like one who has married a second time, or a widow.—If a priest, he is not to consecrate; if a deacon, he is not to serve (see above, c. 1). Our canon is found out of place, and combined with the following one in Gratian, c. 3, C. xxvi. q. 6.

44. The priest must not bless the people and the penitents in the church. Cf. c. 3, C. xxvi. q. 6.

45. Small fields and vineyards which are of small use to the Church, and are situated at a distance, may be alienated

by the bishop without consulting his brethren.—This is an abridgment of c. 7. Received by Gratian into c. 53, C. xii. q. 2.

46. Slaves also who have run away, and who, when recovered, can scarcely be retained, the bishop is at liberty to sell. Cf. c. 54, C. xii. q. 2.

47. On Sundays all laymen must be present at the whole Mass, so that they are not allowed to depart before the blessing. If, nevertheless, they do so, they shall be publicly censured by the bishop. Cf. c. 64, *De Consecrat.* Dist. i.

So far the genuine canons of the Synod of Agde extend. In addition, as we have remarked, there are others ascribed to this Synod, as follows:—

48. The bishop may leave to his heirs what belonged to him as private property. But what he received from the Church must remain to the Church. Cf. c. 19, C. xii. q. 1.

49. Deacons and priests who are appointed to a parish may not alienate anything of the ecclesiastical property intrusted to them. So with the *sacerdotes* (bishops). If, nevertheless, they do so, and if they are convicted of it in a Council, they are to be deposed, and they must make restitution. If, however, the bishops wish to give liberty to any belonging to the churches under their care (*i.e.* slaves which are Church property), they must in doing so follow the process prescribed by the Church. If they fail in this, they (who were freed) must return to their former service. Gratian divided this canon into two, c. 35 and c. 56, C. xii. q. 2.

50. If a bishop, priest, or deacon has committed a capital offence, has falsified a document, or given false witness, he shall be deposed, and imprisoned in a monastery, where for his whole life he shall receive only lay communion.—This is c. 22 of the Synod of Epaon (sec. 231), below, and is found in the *Corpus jur. can.* as c. 7, Dist. l.

51. A bishop must not bequeath by will any Church property.—This is c. 17 of the Synod of Epaon, taken into the *Corpus jur. can.* as c. 5, C. xii. q. 5.

52. If a priest, or deacon, or any other cleric travels

without a letter from his bishop, no one is to receive him to communion.—This is c. 6 of the Synod of Epaon.

53. If a parish priest (*parochiarum presbyter*) alienates any Church property, his act is invalid. Cf. c. 36, C. xii. q. 2.

54. The priest who administers a parish[1] should allow what he purchases to be put down in the name of the Church, or he should resign the administration of the Church.—This is c. 8 of the Synod of Epaon, and is placed by Gratian as c. 3, C. xii. q. 4.

55. Bishops, priests, and deacons are not allowed to have hunting hounds and falcons. The bishop who does so shall abstain three months from the communion, the priest two months, the deacon shall be excluded for one month from all service and from the communion.—This is c. 4 of the Synod of Epaon. In Gratian, c. 2, Dist. xxxiv.

56. If an abbot sells anything without the bishop's knowledge, it may be recovered by the bishop. Slaves who belong to monks must not be set free by the abbot; for it is unfitting that, whilst the monks daily till the ground, their servants should be idle.—This is a portion of the 8th canon of Epaon. In Gratian, c. 40, C. xvii. q. 4.

57. An abbot must not preside over two abbeys. Cf. above, c. 38 and c. 39 of Epaon; also c. 4, C. xxi. q. 1.

58. New cells (small monasteries) or small congregations of monks may not be set up without the knowledge of the bishop.—This is c. 10 of Epaon. In Gratian, c. 13, C. xviii. q. 2.

59. If a cleric has possession of Church property ever so long, it does not become his private property.—This is c. 18 of Epaon. In Gratian, c. 11, C. xvi. q. 3.

60. Punishment of one who has lapsed from the Church and gone over to a heresy.—This is c. 29 of Epaon.

61. Incestuous unions are entirely prohibited. The different kinds of incest are enumerated in detail.—This is c. 30 of Epaon. In Gratian, c. 5, C. xxxv. q. 2 and 3.

[1] *Dioecesis* and *ecclesia dioecesana* are often used in the sense of parish and *ecclesia parochialis* and *ruralis*. Cf. cc. 7 and 8 of the Synod of Tarragona (sec. 516), and Du Cange, *Glossar.* s.v. *Dioecesis*.

62. = c. 34 of Epaon.

63. = c. 35 of Epaon.

64. If a cleric is not present in his church on the great festivals, he shall be excommunicated for three years; and so also the priest or deacon who leaves his church for three weeks. Cf. c. 29, C. vii. q. 1.

65. = c. 20 of Laodicea (in vol. ii.). In Gratian, c. 15, Dist. xciii.

66. Unordained servers must not take a place in the *Diaconicum*, nor touch the holy vessels. This is identical with c. 21 of Laodicea (vol. ii. p. 313); only that here the reference is only to *insacratis ministris*, whilst at Laodicea it is to servers (subdeacons) generally. Cf. c. 26, Dist. xxiii.

67. = c. 31 of Laodicea (vol. ii. p. 316).

68. = c. 36 of Laodicea (vol. ii. p. 318).

69. Agitators must never be ordained, nor yet usurers or such as have taken personal vengeance. Cf. c. 8, Dist. xlvi.

70. A cleric who makes a buffoon of himself, or talks obscenely must be discharged from his office. Cf. c. 6, Dist. xlvi.

71. Synods shall be held annually.[1]

Some other canons supposed to proceed from the Synod of Agde are found in the *Corpus jur. can.* c. 25, Dist. lxxxvi.; c. 4, C. xiv. q. 3; and c. 12, C. ii. q. 4. Further, in the old collections of Ivo and Burchard, in Mansi, *l.c.* p. 338 sqq.

Sec. 223. *Supposed Synod at Toulouse, Conciliabulum at Antioch*, A.D. 507 *and* 508.

Ruricius, the aged bishop of Lemovicum (Limoges), was not present at the Synod of Agde on account of bodily infirmity. From the correspondence which took place between him and the president of the Synod, Archbishop Cæsarius of Arles, we learn that in the following year (507) a Synod was held at Toulouse (situated, like Agde, in the West Gothic kingdom), and that Spanish bishops also were

[1] Mansi, t. viii. p. 323 sqq.; Hardouin, t. ii. p. 997 sqq.

invited to it.[1] In consequence of this many, especially of the older historians, suppose a Synod of Toulouse to have been held A.D. 507, without giving any further information about it. But Baluze even in his time showed[2] that such a Synod could not have been held, since at that very time the Frankish King Chlodwig overcame the Gothic King Alaric II. in war and killed him (507), so that the West Gothic kingdom, full of the noise of war, afforded no facility for peaceful discussions at Synods.

Theophanes gives us intelligence of an Antiochene Conciliabulum, A.D. 508 or 509. At the command of the Greek Emperor Anastasius, Flavian, archbishop of Antioch, had shortly before signed the infamous *Henoticon* of the Emperor Zeno (see vol. iii. sec. 208), and now assembled the bishops who were under him at a Synod, the decree of which, now lost, solemnly recognised the Synods of Nicæa, Constantinople, and Ephesus, but passed over that of Chalcedon in silence; pronounced anathemas over Diodorus of Tarsus and Theodore of Mopsuestia; and put forth four chapters (propositions), presumably the work of Acacius of Constantinople, which, in opposition to the doctrine of Chalcedon, combat the expression "in two natures."[3]

SEC. 224. *First Synod of Orleans*, A.D. 511.

After Clovis (Chlodwig), king of the Franks, had conquered the portion of the West Gothic kingdom which lay in Gaul (507 and 508), he summoned a great Synod to Orleans, Aurelianensis I., on the 10th of July 511, at which there were present not only bishops of the Frankish, but also of the former West Gothic kingdom, altogether thirty two, among them five metropolitans, Cyprian of Bordeaux (probably president of the Synod), Tetradius of Bourges, Licinius of Tours, Leontius of Elusa (Eauze), and Gildared of Rouen. Many of those present had been members of the Synod of Agde, from which many canons were now repealed at Orleans. That Chlodwig had invited the bishops to the

[1] Mansi, t. viii. p. 343. [2] Mansi, t. viii. p 347.
[3] Mansi, t. viii. p. 347; Pagi, *Critica in Annales Baronii, ad ann.* 510, n. 2.

Synod is stated in the short preface which they prefixed to the minutes, and is clear also from the letter of the Synod to Chlodwig, which mentions that he had also prescribed the points on which they should take counsel, and that the bishops had asked for the confirmation of their decrees by the King.[1] These were the thirty-one canons which followed:—

1. If murderers, adulterers, and thieves have taken refuge in the church, then, in accordance with canonical and Roman law, they are not to be taken from the porch of the church or the residence of the bishop until an assurance has been given by an oath on the Gospels that they shall be free from all punishments (*de omni pœnarum genere sint securi*), on the condition that the guilty one shall give satisfaction to the injured party. Whoever breaks this oath shall be excluded from the Church and from all intercourse with Catholics. If, however, the offender will not agree to the demand laid down, and from fear flies from the church, then he shall not be required of the clergy of the church, that is, they shall not be held responsible for him. Gratian united this canon and the third as c. 36, C. xvii. q. 4, in his decree.

2. If anyone has ravished a woman and flies with her into the church (for asylum), then the ravished person, if she has been manifestly subjected to violence, must immediately be set at liberty. The ravisher, however, shall be secured for further punishment, and shall either be made a slave, or he must purchase his release from slavery. If, however, the maiden has either before or after the seduction consented to it, then she shall be sent back to her father if he is still alive, with an excuse (for her deed), and the ravisher must afford satisfaction to the father in the manner prescribed (*i.e.* become his slave, or purchase his freedom from him).[2] In the *Corpus jur. can.* c. 3, C. xxxvi. q. 1.

[1] Mansi, t. viii. p. 350; Hardouin, t. ii. p. 1008; Sirmond, *Concilia Galliæ*, t. i. p. 177.

[2] Remi Ceillier, *l.c.* p. 670, has quite erroneously interpreted the close of this canon, as though the father in such a case had no claim on the ravisher of his daughter. The true meaning was seen by Böhmer in his Note 30* to this passage in the *Corpus jur. can.*

3. If a slave has taken refuge in the church, he shall, if his master has taken the required oath (can. 1), be immediately sent back to him. If the master does not keep his oath, he shall be excluded from all intercourse with Catholics. If, however, the slave, in spite of his master having taken the oath for impunity, refuses to leave the church, then his master may remove him by force. Cf. c. 36, C. xvii. q. 4.

4. No layman is to be ordained a cleric except by command of the King, or with concurrence of the judge. Nevertheless, the sons and descendants of clerics shall remain in the power of the bishops (*i.e.* such may be ordained without permission from any other quarter).

5. The products of gifts and fields granted by the King to the Church, together with the immunity of the clergy, shall be expended on the repairs of churches, the maintenance of the clergy and the poor, or for the redemption of prisoners. Bishops who are negligent herein shall be publicly censured by the comprovincial bishops; and if this does not avail, they shall be excluded from the fellowships of their colleagues. (On the meaning of this expression, cf. vol. iii. p. 406, note 1 on can. 20 of Chalcedon).

6. Whoever makes claims upon a portion of the Church's property, or of the bishop's private property, but in a proper manner, without insults, is not from this circumstance alone to be excluded from Church communion. Cf. c. 20, C. ii. q. 7.

7. Abbots, priests, and all clerics and monks may not, without trial and recommendation by the bishop, solicit princes for ecclesiastical benefices. Whoever does so shall be deprived of his office and of communion until such time as he has done adequate penance.

8. If a slave, without knowledge of his master, has been ordained deacon or priest by the bishop to whom his servile condition was known, he shall remain in his clerical position, but the bishop must make double reparation for him to that master. But if the bishop was not aware of his being a slave, then the same compensation shall be made by those who gave testimony at his ordination (that he was free), or asked for his ordination. Cf. c. 19, Dist. liv.

9. If a deacon or priest has committed a capital offence, he shall be deprived of his office, and of communion at the same time. Cf. c. 14, Dist. lxxxi.

10. If heretical clerics return of their own accord to the Church, for instance, from the Arian Goths, they shall receive the clerical office of which the bishop has thought them worthy with ordination by imposition of hands; and heretical churches shall be consecrated in the same manner in which Catholic churches are wont to be reconciled (*innovari*).

11. Penitents (ascetics; cf. note on c. 15 of the Synod of Agde, sec. 506, above) who forget their vow and return to the secular life, shall be excluded from the communion, and from all intercourse with Catholics. Whoever eats with them is by that act excommunicated.

12. If a deacon or presbyter has entered among the penitents to do penance (see former canon), he may nevertheless, if need arises and no other clergy are at hand, baptize anyone. Cf. c. 14, Dist. lxxxi.

13. If the widow of a priest or deacon marries again, they shall both, she and her second husband, either be punished and separated, or, if they persist in their error, they shall together be excommunicated. Cf. c. 11, Dist. xxviii.

14. In accordance with the ancient canons, one-half of the oblations placed upon the altar shall belong to the bishop, the other half to the rest of the clergy. All fields, however, remain in the power (administration) of the bishop. Cf. c. 8, C. x. q. 1.

15. All that is presented to parishes in fields, vineyards, slaves, and cattle, remains, in accordance with the ancient canons, in the power (administration) of the bishop. From that which is offered on the altar, however, he receives the third part (*i.e.* of the offering in the parish churches he receives only the third part, of the offering in the cathedral, according to can. 14, the half). Cf. c. 7, C. x. q. 1.

16. The bishop shall give food and clothing to the poor or sick who can no longer work, as far as he can. Cf. c. 1, Dist. lxxxii.

17. Churches, whether already built or yet to be built,

can be recognised only with the consent of the bishop in whose diocese they lie. Cf. c. 10, C. xvi. q. 7.

18. No one may marry the widow of his brother, or the sister of his deceased wife. Cf. c. 61 of Agde.

19. Abbots are under the bishop; if they transgress, they will be punished by him; and once a year they must assemble at the place fixed by the bishop. Monks, however, owe reverent obedience to their abbot. If a monk acquires private property, the abbot shall take it from him and spend it for the convent. Monks who roam about shall, with the assistance of the bishop, be caught and brought back. The abbot who does not chastise such monks, or who receives a strange monk, is himself in fault. Cf. c. 16, C. xviii. q. 2.

20. A monk may not use an *orarium* (pocket-handkerchief) or shoes (*tzangæ*) in the monastery. Cf. c. 32, C. xxvii. q. 1.

21. If anyone has become a monk, and afterwards marries, he can never obtain an ecclesiastical office.—The second part of c. 32, C. xxvii. q. 1.

22. No monk may, without permission of the bishop and abbot, leave the monastery and build himself a cell. Cf. c. 38 of Agde, and c. 14, C. xviii. q. 2.

23. If a bishop gives any goods to clerics or monks for usufruct, there arises from this, however long it may be, no prescription. Cf. c. 59 of Agde, and c. 12, C. xvi. q. 3.

24. Before Easter there shall be kept, not a Quinquagesima, but a Quadragesima. Cf. c. 6, *De Consecrat.* Dist. iii.

25. No one must keep Easter, Christmas, or Pentecost in his villa unless he is sick. Cf. c. 21 of Agde, and c. 5, *De Consecrat.* Dist. iii.

26. The people must not leave the church before the end of Mass; and if a bishop is present, they shall first receive the blessing from him. Cf. c. 47 of Agde, and 65, *De Consecrat.* Dist. i.

27. All churches shall celebrate the Rogations, *i.e.* the Litanies before Ascension Day, so that the three days' fast ends at the Festival of the Ascension. On these three days,

all man-servants and maid-servants (slaves, male and female) shall be free from labour, so that all the people may come together (at divine service). Moreover, on these three days only such foods shall be used as are permitted in Lent. Cf. c. 3, *De Consecrat.* Dist. iii.

28. Clerics who do not take part in this holy work (the Rogations) shall be punished according to the judgment of the bishop. Cf. c. 5, Dist. xci.

29. In regard to intercourse with strange women, the bishops, priests, and deacons must observe the earlier canons (*e.g.*, cc. 10 and 11 of Agde).

30. Fortune-telling, auguries, and *sortes sanctorum* are forbidden under pain of excommunication. Cf. c. 16 of Vannes, c. 42 of Agde, and c. 9, C. xxvi. q. 5.

31. A bishop, unless he is ill, must not fail in attendance at divine service on Sunday in the church which lies nearest to him. Cf. c. 4. *De Consecrat.* Dist. iii.[1]

Besides these thirty-one genuine canons, several other doubtful ones are attributed to our Synod by Burchard, Gratian, and Ivo of Chartres, which Mansi[2] collected, but which we have thought we might omit, as they are not found in the minutes of the Synod. Neither do we include a letter from King Chlodwig, said to have been addressed to this Synod,[3] on the subject of the liberation of the Christians taken in the war with the West Goths. Sirmond[4] showed long ago that this letter has no connection with our Synod, and is considerably older.

Sec. 225. *Oriental Synods on the Monophysite Question.*

The opponents of the orthodox Chalcedonian faith carried on the conflict with greater violence at a Synod at Sidon in Palestine, A.D. 511 and 512,[5] than at the Conciliabulum of

[1] These canons, with the subscription of the thirty-two bishops who were present, are found in Mansi, t. viii. p. 350 sqq.; Hardouin, t. ii. p. 1008 sqq.; Sirmond, *Concilia Galliæ*, t. i. p. 177 sqq.

[2] Mansi, *l.c.* p. 359 sqq.

[3] Mansi, *l.c.* p. 346; Hardouin, *l.c.* p. 1007; and Sirmond, *l.c.* t. i. p. 176.

[4] Sirmond, *l.c.* p. 175.

[5] That it began in 511 is shown by Pagi, *ad ann.* 512, n. 2 sqq.

Antioch, recently mentioned. The well-known chronicler, Count Marcellinus, who was a contemporary, relates in his *Chronicle* (*sub cons. Pauli et Mussiani*), that, at the command of the Byzantine Emperor, Anastasius assembled about eighty unorthodox bishops at Sidon, in order to persecute the orthodox bishops. Flavian, patriarch of Antioch (who in the year 508 had shown himself weak[1]), and John, bishop of Paltus (in Syria), because they rejected this sacrilegious assembly, were exiled into the fort of Petra, where Flavian died a confessor.[2] John, however, was set free by Justin when he became Emperor. From another contemporary, the priest Cyril of Scythopolis, we learn that Soterichus, archbishop of Cæsarea in Cappadocia, and Philoxenus Xenaias (sec. 208), bishop of Hierapolis, were the heads of this assembly, and endeavoured to bring about a rejection of the Synod of Chalcedon, and a confirmation of the doctrine of Eutyches and Dioscurus.[3]

Soon afterwards, at another Conciliabulum of the Monophysites at Antioch, under the presidency of Xenaias, its adherent Severus (sec. 208) was chosen patriarch of Antioch. Another similar spurious Synod took place about the same time at Constantinople, in order to place in the patriarchal throne Timothy Colon or Litrobolus, who was not unfavourable to the heresy (sec. 208). In opposition to this advance of the Monophysites, the leaders of the monks in Palestine, after the orthodox Patriarch Elias of Jerusalem had been expelled by the Emperor Anastasius, held, in this city, A.D. 512, a kind of Synod for the defence of the orthodox faith.[4]

Sec. 226. *Two British Synods*, A.D. 512 *and* 516.

In the same year, 512, before the conversion of the

[1] Pagi (*l.c.*) shows from Theophanes that Flavian went so far as to pass over the Council of Chalcedon in silence, but that he never consented to its being formally anathematised. Evagrius (iii. c. 32) relates that he resisted, at an earlier period, a demand of this kind, in opposition to the Syrian monks.

[2] A similar account of the maltreatment of Flavian in the seventh Œcumenical Council of Nicæa, Act 1, is given in the *Vitas. Sabbæ*; Hardouin, t. iv. p. 69.

[3] Mansi, t. viii. p. 371 sqq.

[4] Mansi, t. viii. pp. 374–378.

Anglo-Saxons, whilst these were involved in numerous and bloody feuds with the ancient Britons, and only the province of Wales fully retained Christianity, Bishop Dulricius of Llandaff in South Wales, at a British Synod, was elected archbishop of the *Urbs Legionum* on the river Isca (Caerleon on Usk), also in South Wales, and Theliaus was, in his stead, elected bishop of Llandaff.[1]

Somewhat later, Dulricius is said to have resigned his bishopric, and gone into a convent. Thereupon, at a numerous assembly of the bishops and grandees of the kingdom, at the beginning of the reign of King Arthur, whose uncle, David, was raised to be archbishop of the *Urbs Legionum*, and the priest Chelian of Llandaff, with the assent of Hoel I., the British king in Armorica (Britanny in Gaul), was made bishop of Dola (S. Dol in Britanny).[3] As the beginning of the reign of King Arthur, which, however, was only extended over particular parts of the old British kingdom, is generally placed in the year 516, so this *synodus mixta* (see vol. i. p. 4) would be assigned to the year 516. But the history of Arthur is too much involved in legends to enable us to assume anything here with certainty.

Sec. 227. *Synod at Agaunum or S. Moritz between* 515 *and* 523.

The Arian King Gundobald of Burgundy had, as we know, become somewhat more favourably disposed to the true faith through the influence of the orthodox bishops of his kingdom, especially S. Avitus of Vienne, but was not yet entirely won over. His son and successor Sigismund had come back to the Church during his father's lifetime, and gave evidence of his piety in various ways, but especially by restoring and enlarging the monastery of S. Moritz at Agaunum (now S. Maurice in the Swiss canton of Vallais), founded even before the times of Chlodwig (Clovis) in honour of the martyrs of the legion of the Thebaid, together with the church belonging to it. Marius Aventicensis assures us, in his *Chronicle*, that this building was undertaken (*i.e.* begun)

[1] Mansi, t. viii. p. 378. [2] Mansi, *l.c.* p. 539.

under the consulate of Florentius and Anthemius, A.D. 515. When it was completed is unknown. In the fourth volume of *Gallia Christiana*, p. 12 sqq., an old document is given, frequently reprinted, the minutes of a Synod, according to which, after the completion of the building of the church in question, at Agaunum, a Synod was held in the presence of King Sigismund.[1] In what year this took place cannot be ascertained with certainty. Remi Ceillier (*l.c.* p. 675) assumes that the building of the church was completed in 515, and so, that the Synod took place in the same year; but the authors of the *Histoire littéraire de la France* (t. iii. p. 89) the learned Benedictines, decide with preference for 517, and Pagi for 523. The latter knew, from the *Chronicle* of Marius Aventicensis, that King Sigismund had, in the year 522, caused Sigeric, his son by the first marriage, to be put to death at the instigation of his wicked stepmother. He read, moreover, in Gregory of Tours (Bk. iii. cc. 5 and 6) that the King, out of penitence for this deed, had withdrawn for a long time into the monastery of Agaunum, and had here instituted perpetual worship. Since, however, this perpetual worship was ordained at the Synod of which we are speaking, Pagi concluded that the holding of the Synod must be placed after this incident with Sigeric.[2] He finds a confirmation of this supposition in the minutes of the Synod of Agaunum itself, since here almost at the beginning of the Synod, King Sigismund says to the bishops: "You must comfort me in my sorrow." But all that the bishops bring forward has not the least reference to a sorrow of such a kind on the part of the King; but are exhortations to the Christian life generally; and the sorrow of Sigismund apparently had its ground only in this, that, after his renunciation of the Arian heresy, he had not yet come to a right knowledge of the way to please God.

But not only the date of the Synod of Agaunum is contestable, its very existence was called in question, first by the Bollandists (P. Chifflet) in the first volume of January (at

[1] This document is given also in Mansi, t. viii. p. 531 sqq.; but not in Hardouin.

[2] Pagi, *ad ann.* 515, n. 6 sqq., and *ad ann.* 522, n. 10 sqq.

January 6), and still more by Le Cointe (*Annales Eccles. Francor.* t. i. p. 227);[1] but it has been defended by Mabillon (*Annales Ord. Benedict.* lib. i. s. 71), Pagi (*ad ann.* 522, n. 14 and 15), and Remi Ceillier (*l.c.* p. 675 sqq.). An intermediate view has been maintained by Professor Wagemann of Göttingen,[2] who holds that the Acts of this Synod are certainly spurious, but that they contain a genuine nucleus.

The minutes consist of two parts: (*a*) the transactions of the bishops with the King and among themselves, and (*b*) a deed of gift of Sigismund, which was embodied in the minutes. At the beginning of the first part it is said that on the 30th of April the Council was held by sixty bishops and as many Comites. The conclusion, on the contrary, bears date the 15th of May, so that the Synod would have lasted sixteen days. As in the beginning of the first part, so also at the beginning of the second, the reference is made to sixty bishops and an equal number of counts; but in the subscriptions we find only three bishops and eight counts. The three bishops were Maximus of Geneva, Victor of Gratianopolis (Grenoble), and Viventiolus of Lyons. Besides these in the minutes we come upon a fourth as orator, Theodore, bishop of Sedun (Sitten or Sim in the Canton Vallais), so that it is clear the subscriptions, as we now have them, are not complete. This is clear also from the fact that they do not mention Avitus of Vienne, who, however, preached at this solemnity at Agaunum. The sermon itself is lost, but its title is found among the works of Avitus.[3] But Le Cointe made serious objection to the number of sixty, and remarked with propriety that the whole Burgundian kingdom had for a long time not numbered so many bishops, but only twenty-seven. Consequently he brings into doubt the genuineness of our document. But it is possible that the number lx. may have been put by an error for the number ix., as Pagi thinks, or it may be supposed that a number of neighbouring bishops from other territories had

[1] This famous oratorian, Le Cointe, as is well known, was attached to the French Embassy at the making of the Peace of Westphalia, and the sketch of the preliminaries of the treaty was drawn up by him.

[2] *Götting. gelehrte Anzeigen*, 1867, S. 378.

[3] Another sermon, also preached on that occasion by Avitus, has been discovered; see *Götting. gel. Anzeigen*, 1867, S. 369 sqq.

come to be present at the great solemnity instituted by the King.

When all the bishops were assembled, King Sigismund was the first to speak, and expressed his conviction that this assembly would enjoy the divine assistance. At his wish the bishops set before him, through the mouth of Maximus of Geneva, the leading rules of Christian morality in the most condensed form; and after this was done, and all who were present (among whom were many of the laity) had expressed their approval of the statement made by Maximus, Bishop Theodore of Sitten proposed for discussion the question, What should be done with the bodies of the martyrs of the Thebaid, Maurice and his companions, who were buried here; that is to say, whether and how they should be removed into the new church, as it was not in their power to do according to their deserts, and build a particular church for each one? The King exclaimed: "Oh that I could only be the fellow of these saints!" The bishops, however, decided, after lengthy consultation, that only those of the martyrs whose names were known, Maurice, Exuperius, Candidus, and Victor, should be placed within the new basilica, and that the other bodies should be placed together in another secure and suitable place; that a sacred watch (of priests) should be given to them; and that, day and night, unceasingly, the office should be sung at their grave. At the same time Hymnemundus was appointed by the bishops and the King as abbot over the monastery of S. Maurice. In order to carry on the perpetual psalmody the monks were to be divided into nine bands (*norma*), who should in their turn keep up the singing of the canonical Hours. The king approved of this arrangement.

This perpetual psalmody is the second reason for Le Cointe's declaring the whole document spurious, because, as he thinks, this custom was at that time wholly unknown in the West, and was only at a later period borrowed from the Akoimetæ of the East. Mabillon,[1] however, and after him Pagi[2] and Remi Ceillier,[3] showed that, in the sixth and seventh centuries, uninterrupted psalmody had been introduced into several monasteries in France, for example, into

[1] *l.c.* p. 28 sq. [2] *Ad ann.* 522, n. 11–14. [3] *l.c.* p. 676.

S. Denis by Dagobert the Great, and this, as the documents affirm, in imitation of the institution of Agaunum.

The institution of the perpetual psalmody rendered it necessary that a new rule should be drawn up for the monks of Agaunum, different from that of the other monasteries; for it was plain that they would be unable to discharge many of the duties and labours prescribed to the latter. The Synod, however, decided not to go into full details on the subject, but delegated this to the personal discretion of the Abbot Hymnemundus, and made only a few regulations, namely—That for each of the nine divisions of the monks a dean should be appointed; that the clothing should be adapted to the temperature of the monastery; that there should be only one dormitory, only one refectory, and only one heated chamber provided; that no monk should go out without the permission of the president; that the abbot for the time being should be sufficiently instructed in the Old and New Testaments that he might be able to edify others, and that when need required, the abbot should have recourse to the apostolic see.

The second part of the minutes, as we have remarked, contains the deed of gift of Sigismund, in which he says that he grants *ad luminaria vel stipendia monachorum, i.e.* for the support of the monks[1] and for the salvation of his own soul, to the monastery of Agaunum certain goods and possessions in the districts of Lyons, Vienne, Grenoble, Aosta (in Piedmont), Geneva, Aventicum, (Avenche), Lausanne, Besançon, etc., together with all that appertained to them in houses, slaves, freedmen, forests, vineyards, etc.

Sec. 228. *Synods in Illyria and Epirus, and at Lyons, in the years* 515 *and* 516.

Theophanes in his *Chronicle*, and after him Anastasius in

[1] Instead of saying that "one presented something to the Church," it was usual to employ the formula, "he presented it *ad luminaria ecclesiæ*," *i.e.* that they might be able to procure the many necessary lights. Soon, however, the expression *ad luminaria* acquired the further meaning of *ad fabricam ecclesiæ*. Cf. Du Cange, *Glossar. mediæ et infimæ latinitatis, s.vv. luminaria* and *luminariæ*.

his *Church History*, relate that in the year 515 forty bishops of Illyria and Greece assembled in a Synod and here renounced their metropolitan, the archbishop of Thessalonica, because he had gone over to the side of the Monophysites from fear of the Emperor Anastasius, and had entered into Church communion with Timothy of Constantinople (see above, sec. 225). At the same time, they sent ambassadors to the Pope, and confirmed in writing their communion with the Roman Church.[1]

In the following year, 516, another Synod was held south from Illyria in the province of old Epirus—Epirus proper, since *Epirus Nova* is *Illyris Græca*. This Synod made over to John the metropolitan see of Nicopolis, rendered vacant by the death of Alcyson. John immediately sent the deacon Rufinus with the news of his appointment to Pope Hormisdas to Rome, and assured him in a letter, which is still extant,[2] that he venerated the four Councils of Nicæa, Constantinople, Ephesus, and Chalcedon, whereas he anathematised Dioscurus, Timothy Ælurus, and other heads of the Monophysites, and perfectly conformed to the letters of Leo I. The Pope was requested to prescribe to him more fully what he should observe and from what he should keep aloof. A second letter was addressed by the collective members of the Synod (seven bishops besides the Metropolitan John) to the Pope, in which they acquaint him with the death of Alcyson and the election of John, on whose zeal for the orthodox cause, and on whose obedience to Rome, they lay special stress. In conclusion, they ask the papal recognition of John.[3]

Hormisdas answered them, in November 516, by three letters. The first, addressed to the new Archbishop John, of date November 15, 516, exhorts generally to steadfastness in orthodoxy, and at the conclusion, for more particular instruction as to the manner in which John should receive those who should return to the Church, he remarks that an *Indiculus* was added.[4] What this was composed of will be

[1] Mansi, t. viii. p. 537.
[2] Mansi, t. viii. p. 401 sq.; wanting in Hardouin.
[3] Mansi, t. viii. p. 404; Hardouin, t. ii. p. 1027.
[4] Mansi, t. viii. p. 402 sq.

shown further on; at present the remark suffices, that many of John's suffragans had lately taken the side of the unecclesiastical party, the Monophysites or Henoticans, as we see from the words quoted above, and from the letter of the Pope to the Synod presently to be described. In the second letter to John, of date November 19, 516, thus only a few days later, request is made that the new archbishop will obtain the subscription of all his bishops to a *Libellus* appended by the Pope, stating that Homisdas will send the Roman subdeacon Pulion to Nicopolis [1] with these letters and other documents. This *Libellus* is in no way identical with the previously mentioned *Indiculus*. It is, in fact, nothing else than that confession of faith, *Regula Fidei*, with anathematisms over Nestorius, Eutyches, Dioscurus, etc., which the bishops of Epirus, on March 18 of the following year, sent to the Pope with their subscriptions.

This confession, so well known afterwards, under the title *Formula Hormisdæ*, and the often quoted *Regula Fidei* at the latest Vatican Council, runs thus: "Prima salus est, regulam rectæ fidei custodire et a constitutis patrum nullatenus deviare. Et quia non potest Domini nostri Jesu Christi prætermitti sententia dicentis: *Tu es Petrus, et super hanc petram ædificabo ecclesiam meam*, etc.; hæc quæ dicta sunt rerum probantur effectibus, QUIA IN SEDE APOSTOLICA IMMACULATA EST SEMPER SERVATA RELIGIO.

"Ab hac ergo spe et fide separari minime cupientes et patrum sequentes in omnibus constituta, anathematizamus omnes hæreticos præcipue Nestorium hæreticum qui quondam Constantinopolitanæ fuit urbis Episcopus damnatus in concilio Ephesino a Cælestino papa urbis Romæ, et a sancto Cyrillo Alexandrinæ civitatis antistite; una cum ipso anathematizantes Eutychetem et Dioscorum Alexandrinum in sancta synodo, quam sequimur et amplectimur, Chalcedonensi damnatos; his Timotheum adjicientes parricidam, Ælurum cognomento, et discipulum quoque ejus atque sequacem Petrum vel Acacium, qui in eorum communionis societate permansit; quia quorum se communioni miscuit, illorum similem meruit in damnatione sententiam; Petrum nihilominus Antiochenum damnantes

[1] Mansi, t. viii. p. 407; Hardouin, t. ii. 1030.

cum sequacibus suis et omnium suprascriptorum. Quapropter suscipimus et approbamus omnes Epistolas Leonis papæ universas, quas de religione Christiana conscripsit.

"UNDE, SICUIT PRÆDIXIMUS SEQUENTES IN OMNIBUS APOSTILICAM SEDEM, ET PRÆDICANTES EJUS OMNIA CONSTITUTA, spero ut in una communion vobiscum, quam sedes apostolica prædicat, esse merear, IN QUA EST INTEGRA ET VERAX CHRISTIANÆ RELIGIONIS SOLIDITAS." [1]

The third letter of the Pope, like the second, dated November 19, 516, is directed to the Synod of Epirus. He expresses his pleasure that the bishops of that country, although somewhat late, had returned to the orthodox doctrine, and explains clearly that not only Eutyches, but also Dioscurus, Timothy (Ælurus), Peter, Acacius, and other later heads of the anti-ecclesiastical party (also the Henoticans) were to be rejected and to be abhorred. He could have wished that the bishops in their letters on all these people had expressed themselves as clearly as their Metropolitan John had done in his letter to the Pope.[2] As, however, they had not done this, they were to subscribe the *Libellus* appended.[3]

Finally, we have another document of Pope Hormisdas belonging to this time, the *Indiculus* already mentioned. It is addressed, not to Archbishop John, but to the Roman subdeacon Pulion, whom the Pope sent as his Nuntius to Epirus, and has the following content: If the archbishop of Nicopolis has received the papal letters, he should assemble the bishops of his parochia (here meaning province) and make them subscribe the *Libellus* appended. If, however, the archbishop should regard this as too troublesome, he could select

[1] Mansi, t. viii. p. 407; Hardouin, t. ii. p. 1030. Somewhat later, A.D. 519, Pope Hormisdas laid this confession of faith before Archbishop John of Constantinople and the Orientals for subscriptions (cf. sec. 233, and Mansi, *l.c.* p. 451), and so in his letter to the Spanish bishops (Mansi, *l.c.* p. 467). Later Popes repeated the same, and in particular Pope Hadrian II. demanded of the Oriental bishops who took the side of Photius, the subscriptions of the *Formula Hormisdæ*, enlarged with additions; and the eighth Œcumenical Synod approved of this. Mansi, t. xvi. p. 28; Hardouin, t. v. p. 773. Cf. *Conciliengesch.* iv. S. 375.

[2] The Pope referred to the anathema on the heads of the Henoticans, as we shall see later on, sec. 233.

[3] Mansi, t. viii. p. 405 sq.; Hardouin, t. ii. p. 1028 sqq.

some men who should accompany the Nuntius to the different bishops, that they might subscribe in his presence. Pulion was also to take care that the papal letters should be read before all the people, at least before the clergy.[1]

To the same year, 516, belongs also a Synod at Lyons, of which we know nothing more than its existence, and that Avitus of Vienne and Bishop Chartenius (his see unknown) were present. And so much we owe to the twenty-eighth letter of Avitus.[2]

Sec. 229. *Synods at Tarragona*, A.D. 516, *and at Gerunda*, A.D. 517.

In the sixth year of King Theoderic, that is, when the famous East Gothic King, Theoderic the Great, acted as guardian to his grandson Amalric, the West Gothic King in Spain, then a minor[3] under the consulate of Peter (A.D. 516), on the 6th of November the Synod of Tarragona was held in the name of Christ. So we read in the short preface to the Chapters on Canons passed by the Synod. There were present, as the subscriptions show, Archbishop John of Tarragona, the president of the Synod, and his suffragans Paul of Impuriä (Empuriä), Frontinian of Gerunda, Agritius (Agröcius) of Barcelona, Ursus of Dertosa, Camidius (or Einidius) of Ansona, and Nibridius of Egara. Besides these, there are named from other ecclesiastical provinces, Orontius of Illiberis (unless it should be Ilerdita, which lay in the province of Tarragona), Vincentius of Cæsar-Augusta (Saragossa), and Hector of Carthagina, which is mentioned as metropolis. By this is meant only its dignity as civil metropolis of the Provincia Cathaginiensis established in Spain by Diocletian; in its ecclesiastical position Carthagina belonged to the province of Toledo.

These ten bishops decreed as follows:—

1. Those clerics and monks who are allowed to support

[1] Mansi, t. viii. p. 408; Hardouin, t. ii. p. 1031.

[2] Mansi, t. viii. p. 538.

[3] Amalric's mother, the widow of Alaric II., was a daughter of the East Gothic Theoderic.

their relatives may give them what is necessary, but they must put an end to their visits to them as soon as possible, and not live with them. At these visits they must always take an approved witness with them. If a cleric acts in opposition to this command, he shall lose his office; and a monk shall be imprisoned in his cell, and do penance on bread and water.

2. No cleric shall engage in buying cheap and selling dear. Taken from Gratian, c. 3, C. xiv. q. 4.

3. If a cleric has lent money to anyone in need, on condition of being indemnified for it by wine or fruit at the time when these are wont to be sold, and the debtor has not the necessary supply, the lender shall receive back the loan without any increase. See *Corpus jur. can.* c. 5, C. xiv. q. 4.

4. No bishop, or presbyter, or cleric shall sit in judgment on Sunday. They may, however, settle quarrels on other days, with exception of criminal cases. Cf. c. 1, C. xv. q. 4.

5. If anyone is consecrated bishop, not in the metropolitan city, *i.e.* not by the metropolitan himself, but with his consent, he must present himself before the metropolitan within two months, in order to receive his more personal directions. Cf. c. 8, Dist. lxv.

6. If a bishop, notwithstanding the admonition of the metropolitan, fails to come to a Synod without being hindered by serious illness, he must be excluded from the *communio charitatis* with the other bishops until the next Council. See vol. iii. p. 405, note, and c. 14, Dist. xviii.

7. If a priest and a deacon are appointed to a rural church (*ecclesia dioecesana*, cf. sec. 222, canon 54, note), together with other clerics, those two shall take weeks in turn. In the one week the priest, in the other the deacon, shall provide for divine service, which must daily consist of matins and vespers.[1] On Saturday, however, all the clerics must appear at vespers, so as to be the more certain to be present on Sunday. In some churches, in consequence of the absence of the clergy, even the lights are not provided.

[1] So that, at that time, there was not a daily Mass, as the deacon could take divine service on week days.

8. Since it is known that many rural churches (*ecclesiæ dioecesanæ*) are in a bad state, the bishop, in accordance with the ancient practice, should visit these churches every year. If they are out of repair, they should be repaired, since, according to ancient custom, the bishop receives the third part (of all the oblations) from all rural churches. Cf. c. 15 of the Synod of Orleans (A.D. 511), above, and c. 10, C. x. q. 1.

9. If a lector should marry an adulteress, or continue in matrimony with her, he must be excluded from the clergy unless he leaves the adulteress. So with an ostiarius. A different translation of our canon is given by Remi Ceillier (*l.c.* p. 679), Richard (*Analysis Concil.* t. i. p. 690), and others, viz.: "If a lector or ostiarius shall marry, or continue in matrimony with his wife when she is an adulteress," etc. This translation, in my opinion, does violence to the Latin text. It runs: "Si quis lectorum adulteræ mulieri voluerit misceri, vel adhærere consortio; aut relinquat adulteram, aut a clero habeatur extraneus. Similis sententia ostiarorum manebit scholam" (*i.e.* class, division. Cf. Du Cange, *Glossar. s.v.*).

10. No cleric may (like secular judges) accept presents for his work (as judge), except what, as freewill offering, is brought into the church. Cf. c. 1, C. xv. q. 2.

11. Monks must discharge no ecclesiastical function outside their monastery, unless at the command of the abbot. And none of them must undertake a secular employment, unless for the use of the monastery. Cf. c. 35, C. xvi. q. 1.

12. When a bishop has died, after his funeral a list of all the property he has left shall be made by the priests and deacons. Cf. c. 6, C. xii. q. 5.

13. The metropolitan should exhort his suffragans to bring with them to the Synods (provincial Synods), not only priests of the cathedral church, but also rural priests (*de dioecesanis*), and some laymen.[1]

[1] Mansi, t. viii. p. 539 sqq.; Hardouin, t. ii. p. 1039 sqq.; Gonzalez, *Coleccion de Canones de la Iglesa Española*, Madrid 1849, t. ii. p. 114 sqq.; Gams, *Kirchcng. von Spanien*, 1864, Bd. ii. S. 432 sqq. On the presence of laity at Synods, cf. the first volume of this history, pp. 18, 25 sqq., and Aguirre, *Concil. Hispan.* t. ii. Dist. 40.

In the same ecclesiastical province of Tarragona another Synod was held in the following year, June 8, 517,[1] in the suffraganal city of Gerunda, at which Archbishop John of Tarragona again presided, and six other bishops were present, evidently those whom we have already met as members of the previous Council: Frontinian of Gerunda, Paul of Empuriä, Agritius of Barcelona, Nibridius of Egara, Orontius (of Ilerdita), and Einielus (perhaps Einidius or Canidius) of Ausona. They drew up ten resolutions:[2]—

1. The order of the Mass, as well as the manner of church song and of altar service, shall in the whole province be the same as in the metropolitan church.

2. After Pentecost, in the following week, on the three days from Thursday to Saturday, the first litanies (Rogations, see above, sec. 224, c. 27) shall be celebrated with fasting. Cf. the following canon.

3. The second litanies shall be said from the 1st of November (again for three days). If, however, one of these three days is Sunday, the litanies must be changed to another week. They shall begin on Thursday and end on Saturday evening after Mass (Vesper Mass, see above, secs. 219 and 222). On these days there must be abstinence from flesh and wine.

4. Catechumens are to be baptized only at Easter and Pentecost. To the sick alone baptism may be administered at any time. Taken into the *Corpus jur. can.* c. 15, *De Consecrat.* Dist. iv.

5. When newborn children are sick, as is often the case, and have no appetite for the mother's milk, they should be baptized at once, on the same day.

6. If married men are ordained, they must, from the subdeacon to the bishop, no longer live with their wives. If they will not, however, live (alone), then they must have with them a brother as assistant, and as witness of their conduct.

[1] On vi. Idus Junias, therefore not on the 18th of June, as Remi Ceillier (*l.c.* p. 680) and others incorrectly assert.

[2] Mansi, t. viii. p. 549 sqq.; Hardouin, t. ii. p. 1043 sqq.; Gonzalez, *l.c.* p. 117 sqq.; Gams, *l.c.* S. 434 sqq.

7. If an unmarried man is ordained, he must not have his house managed by a woman, but by a manservant or friend, or by his mother or sister, if he has such.

8. If a layman, after his wife (*i.e.* after her death), has known any other woman (free or a slave), he must not afterwards be received into the clergy. Cf. c. 8, Dist. xxxiv.

9. If, in a sickness, anyone has received the *benedictio pœnitentiæ*,[1] called the Viaticum, by means of the communion; and if, after recovery, he has not been required to do public penance in the church, he may be received into the clergy, if he has otherwise had no irregularity (*si prohibitis vitiis non detinetur obnoxius*). Remi Ceillier (*l.c.* p. 683) and Richard (*Analysis Concil.* t. i. p. 491) translate these words incorrectly, "if he is not convicted of the offence charged against him."

10. Daily, after matins and vespers, the Lord's Prayer is to be said by the priest (bishop). Cf. c. 14, *De Consecrat.* Dist. v.

Sec. 230. *Two Gallican Synods between* 514 *and* 517.

About the same time two Synods were held in Gaul, of which only quite scanty information has reached us. The one must have been held in the year 514, probably at Reims. Hincmar of Reims in his *Vita S. Remigii*, and after him Flodoard in his *History of the Church of Reims* (lib. i. c. 19), relate that all the bishops present had greeted the holy archbishop, S. Remigius of Reims, at his entrance into the assembly, by reverently standing, with the exception of an insolent Arian. This man, they say, consequently, by a miracle, immediately lost his speech, and received it again

[1] If anyone sick unto death confessed a grave sin, he was not put into the grade of penitence, but received immediately absolution by the blessing. Cf. c. 13 of Nicæa. This blessing is called *benedictio pœnitentiæ, i.e.* that blessing by which the grade of penitence was conveyed to anyone, and was always available if the penitent was not condemned to public penance. Cf. c. 21 of the Synod of Epaon, sec. 231. After this blessing the patient received the communion, and both were called Viaticum. If he recovered he might be required, according to circumstances, to go through an additional time of penance. In this case he could no longer become a cleric, as all who had done public penance were excluded from clerical rank. Cf. the note of Aubespine on this passage, in Mansi, t. viii. p. 564.

through Remigius as soon as he was disposed to confess the orthodox faith.[1]

The other Council, Cenomanicum, held at Le Mans, in France, in the year 516 or 517, confirmed the donations which a rich Christian, Harigar, with his family, had made for the building of a monastery *in honorem S. Mariæ et SS. Martyrum Gervasii et Protasii*, in the diocese of Le Mans.[2]

Sec. 231. *Synod at Epaon, in Burgundy*, A.D. 517.

We have seen (sec. 227) that King Sigismund of Burgundy, after he had returned to the orthodox faith, summoned the bishops of his kingdom to a Synod at Agaunum. A second Synod he held a short time afterwards at Epaon, evidently with the purpose of improving church discipline in his kingdom, and to bring back the earlier ecclesiastical ordinances. It began probably on September 6, 517, since for this day the bishops were summoned to Epaon, as we learn from the letter of convocation of Avitus of Vienne (see below). The meeting came to an end September 15, 517, as is expressly set forth in the subscriptions of the bishops at the end of the minutes.

At the head of the assembled bishops stood Avitus. Besides him we find, in the subscriptions, the names of the bishops Viventiolus of Lyons, Silvester of Cabillonum (Chalons on the Saone, or, if we are to read Cabilicensis, then Cavaillon, in the Department of Vaucluse),[3] Gemellus of Vaison, Apollinaris of Valence, Valerius of Sistaricum (Sisteron), Victurius of Grenoble, Claudius of Besançon, Gregory of Langres, Pragmatius of Autun, Constantius of Octodurum (Martigni, in the Canton Vallais), Catulinus of Ebredunum (Embrun), Sanctus of Tarantasia (Moustiers, in Tarantaise, in Savoy), Maximus of Geneva, Bubuleus of Vindonissa,[4] Sæculatius of Dea (S. Dié, in the neighbourhood

[1] Mansi, t. viii. p. 554. [2] Mansi, t. viii. p. 546.

[3] Cf. the note of Vinius, in Mansi, t. viii. p. 567.

[4] This bishopric was subsequently removed to Constance. Bubuleus is the first bishop known to us of this ancient and large Roman city, on the site of which stands the village Windisch, in the Canton Argau. Cf. my *History of the Introduction of Christianity into South-Western Germany*, S. 174 f.

of Valence), Julian of Carpentras, Constantius of Vapincum (Gap, in the Department of Hautes Alpes), Florence of Orange, a second Florence of Tricastina (Paul de trois Chateaux, in the Department of Drôme), Philagrius of Cavaillon, Venantius of the Civitas Albensium or Alba Augusta (now Viviers or Albe, in the Department of Herault), Prætextatus of Apt (Department Vaucluse), Turicianus of Nevers, and the priest Peladius of Aventicum (now Avenche), as representative of his bishop, Salutaris.[1] Reckoning Avitus, there were thirty-four bishops and one priest. Where Epaon or Epaunum was situated, or under what name it may now be identified, we can no longer decide with certainty; and on this subject the most conflicting suggestions have been proposed, and whole dissertations written.[2] It is most probable that Epaona is to be sought in the neighbourhood of Agaunum (S. Maurice in the Canton Vallais), and that in the year 563 it was buried by a landslip under Mons Tauretunensis, in the neighbourhood of Tarnada. Somewhat further back in the valley lies Evienna, to which the remaining inhabitants of Epaona may have withdrawn.[3]

The Synod of Epaon was summoned by the two metropolitans of Burgundy, Avitus of Vienne and Viventiolus of Lyons, and we still possess copies of their letter of convocation to the suffragans. That of Avitus is addressed to Bishop Quintian. As, however, this bishop occupied the chair of Clermont, in Auvergne, and belonged neither to the ecclesiastical province of Vienne nor to the Burgundian kingdom, Sirmond suggested in his edition of the works of Avitus, that the direction to Quintian and the letter of convocation to the suffragans are not properly connected, but that the letter to Quintian has been lost, and that the direction of that letter has been improperly prefixed to the other document.[4]

In this letter of invitation Avitus says: "The old canons ordain that two provincial Synods shall be held annually; but it would be well if at least one should take place every two

[1] On Aventicum, now Avenche or Wiflisburg, on the Murtensee, in Switzerland, cf. my *Introduction of Christianity*, etc., p. 73.

[2] Cf. Gelpke, *Kirchengesch. der Schweitz*, Bern, 1856, Thl. i. S. 126 sqq.

[3] Gelpke, *l.c.* S. 130 sqq. [4] Mansi, t. viii. p. 557.

years." The Pope of the venerable city (Rome) had reproached him, that this institution had hitherto been so greatly neglected (in Burgundy). He therefore requested all his brethren to appear in the parochia of Epaon on the 6th of September, or if anyone were hindered by sickness, to send two approved priests as representatives, who should be able to counsel the Synod.[1]

A similar letter was despatched by Archbishop Viventiolus of Lyons, in which he said that, besides the bishops, clerics were also required to come to the Synod, and laymen were permitted to come; and that perfect impartiality and liberty of speech should prevail.[2]

Another document belonging to the Council of Epaon bears the title Proœmium, and is nothing but the introduction to a speech made by one of the bishops or priests present at the request of the members of the Synod, probably at the opening solemnities of the meeting. With many words there is only one thought in this speech, that the speaker was peculiarly unworthy and unfit to speak before such an assembly; but that he did so because he had been ordered, in order at least thus to edify others by obedience. This shows that the Proœmium could not possibly have been—what is suggested in the *Histoire lit. de la France*, *l.c.* p. 92—a kind of preface which the cleric intrusted with the editing of the canons had put as introduction to them. We find, however, a kind of preface in the five lines under the heading *Præfatio*, explaining that the bishops assembled, by the grace of God, at Epaon had drawn up the following (forty) Titles:[3]—

1. If a metropolitan summons his suffragans to a Synod, or for the consecration of a brother, no one shall be allowed to excuse himself except in case of serious illness.

2. The apostolical prohibition, that no one married a second time, and also no one who has married a widow, should be ordained priest or deacon, must be enjoined anew.

3. One who has undergone Church penance cannot become a cleric.

[1] Mansi, t. viii. p. 555; Hardouin, t. ii. p. 1045.
[2] Mansi, t. viii. p. 556; Hardouin, t. ii. p. 1046.
[3] Mansi, t. viii. p. 559; Hardouin, t. ii. p. 1047 sqq.

4. Bishops, priests, and deacons must not keep hounds or falcons. A bishop who transgresses this prohibition must be excluded from communion for three months, a priest two, and a deacon one month. Cf. sec. 222, c. 55.

5. No priest must undertake Church services at the oratories or basilicas of another diocese, unless his own bishop has resigned him to the other bishop. If a bishop allows one of his clergy to officiate *illicite* in a strange diocese, he is responsible for it.

6. If a priest or deacon travelling is without a letter from his bishop, no one shall give him communion. See above, sec. 222, c. 52.

7. If a priest in a parish sells any of the Church property, this shall be invalid, and the purchaser must restore it.

8. The priest who administers a diocese (rural church, see above, sec. 222, c. 54), must have what he buys put down in the name of the Church, or resign the administration of the Church. If an abbot sells anything without the previous knowledge of the bishop, it may be demanded back by the bishop. Slaves who belong to the monks must not be set free by the abbot, for it is unreasonable that, whilst the monks daily cultivate the field, their servants should go at liberty idle. See above, sec. 222, c. 56.

9. An abbot must not have two monasteries under him. See sec. 222, c. 57.

10. New cells (small monasteries) or congregations of monks must not be set up without knowledge of the bishop. See above, sec. 222, c. 58.

11. Without permission of the bishop no cleric must begin a process in a secular court. If, however, he is himself sued, he may present himself before the secular tribunal. Cf. c. 32 of Agde, sec. 32.

12. No bishop may sell any Church property without previous knowledge of his metropolitan. Useful exchange, however, is allowed.

13. If a cleric is proved to have given false testimony, he is to be treated as a capital offender. See above, sec. 222, c. 50.

14. If a cleric has received anything from his Church, he

must restore it, if he is consecrated bishop in another diocese. What, however, he has bought by deed with his property, he may retain.

15. If a higher cleric has taken part in a banquet of a heretical cleric, he must be excluded from the Church for a year. Younger clerics who do the same shall be beaten. But at the banquets of Jews, even a layman must not partake, and anyone who has done so once, may not again eat with a cleric.

16. If sick heretics are willing to be converted, their priests may grant them the chrism. If, however, the penitent recover, he must receive it from the bishop.

17. If a bishop has devised by will anything which belongs to the Church, this is invalid, unless he has given in return as much of his private property. Cf. above, sec. 222, c. 51.

18. If a cleric has in possession, however long, any Church property, even with the will of the king, it cannot by any length of time become his property if it is demonstrably the Church's. Cf. above, c. 59 of Agde, sec. 222.

19. If an abbot has committed an offence, and will not admit the successor appointed by the bishop, the matter must come before the metropolitan.

20. It is forbidden to bishops, priests, and deacons, and to all clerics generally, to pay visits to women in the midday and evening hours. If, however, such a visit is necessary, a priest or cleric must be taken as witness.

21. The dedication of deaconesses shall be given up throughout the whole kingdom. Only the *benedictio pœnitentiæ* may be given to them, if they go back (*i.e.* lay aside the *votum castitatis*). On the expression *benedictio pœnitentiæ*, see above, sec. 229, c. 9.

22. If a bishop, priest, or deacon has committed a capital offence, he must be deposed and confined in a monastery, where, all his life, he receives only lay communion. In the text is here lacking the word *laica* to qualify *communio*, whilst it stands correctly in the pretended 50th canon of Agde. See sec. 222.

23. Anyone who has laid aside the vow of penitence,

and has returned to secular business, must not at all be admitted to communion until he has returned again to his vow. Cf. c. 11 of the first Synod of Orleans, sec. 224.

24. Laymen may bring criminal accusations against clerics of every rank, if they speak the truth. Cf. c. 6 of the first Synod of Orleans, sec. 224.

25. Holy relics must not be placed in private oratories, if there are no clerics of a parish in the neighbourhood to sing psalms frequently over the sacred bones. Special clerics (for such oratories) must not, however, be appointed until sufficient has been provided for their food and clothing.

26. Altars which are not of stone are not to be dedicated with the anointing of chrism.—Received with the following canon into the *Corpus jur. can.* as 31; *De Consecrat.* Dist. i.

27. The ordering of divine service by the metropolitan shall be observed in his entire province. Cf. c. 1 of the Synod of Gerunda, sec. 229.

28. If a bishop dies before he has absolved one who has been condemned (excommunicated) by him, his successor shall do so.—The correct explanation of this canon results from what has been said in vol. i. of this history, p. 159 and 470.

29. If anyone has fallen from the Church into a heresy since the ancient stringency has been modified, he may be received back on the following conditions:—He must do penance for two years, and fast every third day during this time; he must often frequent the church, stand in the place of penitents, and leave divine service along with the catechumens. Cf. above the pretended c. 60 of Agde, sec. 222.

30. Incestuous unions are in no wise to be pardoned before they are again sundered. Besides those crimes which one does not dare to mention, there are others incestuous, such as the following unions: If anyone connects himself with his brother's widow, or with his own dead wife's sister, or with his stepmother, or with his *consobrina* or *sobrina* (child or grandchild of a brother or sister). Such marriages are from henceforth forbidden; but those already concluded we do not dissolve. Further, if anyone connects himself

with the widow of his uncle (on the mother or father's side), or with his stepdaughter, in such cases those who shall effect such a union must be again dissolved, and have liberty to enter upon a better marriage. Cf. c. 61 of Agde.

31. In regard to the penance of murderers who have escaped secular judgment, the canons of Ancyra (21 and 23) are valid. Cf. vol. i. p. 220 f.

32. If the widow of a priest or deacon marries again, she and her husband will be excluded from communion until they separate. Cf. c. 13 of the first Synod of Orleans, sec. 224.

33. The churches of heretics we so greatly abhor, that we consider them not even capable of being cleansed, and they must never be turned to sacred uses. Only where they have been previously Catholic churches, and have been taken from us by violence, will we reconcile them.—This ordinance stands in opposition to the last part of c. 10 of the first Synod of Orleans, sec. 224.

34. If anyone has killed his slave without permission of the judge, he must be excommunicated for two years.

35. Laymen of high descent must request benediction from the bishop at Easter and Christmas, wherever they may be (that is even in strange dioceses).

36. No sinner, if he repents and amends, is to be denied the hope of being received back. If he is sick the time of penitence may be shortened. If he recovers after reception of the Viaticum, he must complete his appointed time of penitence. Cf. c. 13 of Nicæa, vol. i. p. 419.

37. No layman may become a cleric *nisi religione præmissa*. *Religio* is not identical here with *vita monastica*, but with the related idea *conversio*, i.e. *professio castitis*. See above, sec. 222, c. 16, note.

38. Only women of proved character and of advanced age may enter into women's convents in order to render any kind of services there. Priests who go into such convents, in order to say Mass, must leave again directly after completing divine service. Otherwise no cleric or young monk may visit a woman in a convent, unless he is her father or her brother.

39. If a slave, who has a serious charge against him, flees into the church, he shall be preserved only against bodily

punishment (death, mutilation, and the like), and no oath shall be demanded from his master that he has not condemned him to cutting hair or any other work.

40. The bishops who have subscribed these statutes, and their successors, must know that they charge themselves with great responsibility before God and their brethren if they do not carefully follow them.

Two further canons, ascribed to the Synod of Epaon, are found in Gratian, c. 11, C. xxvi. q. 6, and Egbert of York.[1] The former says: If an excommunicated man, who has already confessed his offence, and has a good witness, suddenly dies, his relations (*parentes*) must bring the oblation to the altar for him, and give a contribution for the redemption of prisoners. The other is identical with c. 58 of Laodicea. See vol. ii. p. 322.

Sec. 232. *Synod at Lyons*, A.D. 517.

Sometime after the close of the Synod of Epaon, eleven of the bishops who had been present there celebrated a Synod at Lyons, under the presidency of the Archbishop Viventiolus. Before this, at Epaon, it had been thought necessary to renew the ecclesiastical statutes with respect to incestuous marriages. The matter was practical, for Stephen, the chief fiscal in the Burgundian kingdom, had, after the death of his wife, married her sister Palladia. It was specially against him that the 30th canon of Epaon had been drawn up. The same matter came up for discussion again at Lyons. An ancient biography of S. Apollinaris of Valence, who had been at the Council of Epaon, and was a full brother of Avitus, relates that Stephen was expelled from Church communion by a Synod in the presence of Avitus and Apollinaris, on account of which the King was thrown into a violent passion. The bishops, however, had hereupon betaken themselves to the neighbourhood of Lyons, as into exile.[2] Here in Lyons they celebrated the Synod of which we have now to speak. The Council, however, which excommunicated Stephen in the presence of Avitus and his brother, is certainly none other

[1] Both in Mansi, t. viii. p. 565. [2] Mansi, t. viii. p. 573.

than that of Epaon.[1] It is impossible here to think of our Synod at Lyons, for neither Avitus nor Apollinaris was present at this. Besides, we can see from the six canons of the Synod of Lyons, that the relations between King Sigismund and his bishops had become somewhat better, but were still uncertain. The canons run as follows:—

1. In the name of the Trinity, assembled for the second time on account of the incest of Stephen, we decided that the judgment unanimously pronounced by us at an earlier period against him, and her who was improperly united to him, should remain in undiminished force. The same shall be done to other persons who may fall into the same transgression.

2. If anyone of us must, for this reason, suffer affliction from the (secular) power, we all suffer in common with him. And if any suffers losses, the participation of his brethren will lighten them.

3. If the King (enraged with the bishops because of this matter) of his own accord separates himself from the Church and from communion with the bishops, we give him the opportunity of returning again into the bosom of his Mother. Let all the bishops speedily withdraw into the monasteries, until the King, moved by the prayers of the saints, restores peace again. And no bishop must leave his monastery until the King has restored peace to all the bishops without exception.

4. No bishop must intrude into the diocese of another, or wrest parishes away from him. And even when a bishop is travelling, another must not offer the sacrifice or take ordinations in his place.

5. As long as a bishop lives, no one shall come forward as his successor. If this should happen, and anyone be consecrated as successor, he shall suffer perpetual excommunication, and also the bishops who have consecrated him.

6. Following the view of the King, we have allowed this modification, that Stephen, together with Palladia, may remain in the church up to the prayer of the people, which is offered after the Gospel.

[1] Already suggested by Mansi, *l.c.* The Acts of Epaon, as they have come to us, say nothing on the subject.

These canons were subscribed by Archbishop Viventiolus of Lyons, and Bishops Julian, Silvester, Apollinaris, Victurius, Claudius, Gregory, Maximus, Seculatius, Florence, and Philagrius.[1] Some further canons were ascribed to our Synod by Burchard of Worms and Ivo, which Mansi (*l.c.* p. 571 sq.) has collected. Pagi remarked correctly (*ad. ann.* 517, n. 10) that this Synod is improperly called Lugdunensis I., and that it should more properly be called the second of Lyons, since an earlier one of A.D. 516 is known to us. Cf. sec. 228.

SEC. 233.—*Synods at Constantinople, Jerusalem, Tyre, Syria, Rome, and Epirus, in connection with the Monophysites,* A.D. 518–520.

We have frequently met the Byzantine Emperor Anastasius as an enemy of the Chalcedonian doctrine, who endeavoured by violence to carry through the unhappy half-and-half *Henoticon* of the Emperor Zeno, and in his later years came nearer and nearer to complete Monophysitism. Two patriarchs, Euphemius and his successor Macedonius of Constantinople, were deposed by him in the year 496 and 511[2] because they would not enter into his plans. But neither cunning nor violence succeeded in leading astray even the inmates of the residence, and as soon as the Emperor died, July 9, 518, and the Præfector Prætorio Justin, a man of low origin, but full of talent and insight, and devoted to orthodoxy, had been elected as his successor, the people streamed in masses into the cathedral and demanded that the Eutychians and their supporters (called by the people Manichæans), particularly Severus of Antioch, should be excommunicated; that the patriarch should publicly declare his adhesion to the Council of Chalcedon; and that the names of Pope Leo and of the two patriarchs, Euphemius and Macedonius, should be restored to the diptychs, from which Anastasius had caused them to be removed.

The Patriarch John the Cappadocian, who had recently

[1] Mansi, t. viii. p. 569 sq.; Hardouin, t. ii. p. 1053 sq. The sees of these bishops are given above.

[2] See above, secs. 208, 216, 225.

succeeded to the heretical Timothy, although inwardly orthodox, in order to pacify the Emperor Anastasius, had rejected the Council of Chalcedon, but now found it advisable, on two days, at the repeated urgent demand of the people, to declare that he recognised the Council of Chalcedon, and would immediately appoint a solemnity in its honour (see below); that he anathematised Severus, and so forth. Moreover, on the second day he caused the names of Leo, of Euphemius, and Macedonius, as well as the titles of the first four Œcumenical Synods, to be read aloud from the diptych, at the solemn Mass.[1] The people had also demanded the holding of a Synod, that the results now demanded from John might be confirmed in a canonical manner; and the patriarch summoned the bishops who were then present in Constantinople and in the neighbourhood, to the number of forty-three or forty-four, to a *σύνοδος ἐνδημοῦσα* on July 20, 518. He does not himself appear to have been present; for not only did the Synod send its decrees to him in writing,[2] but in this synodal letter it is expressly said that the patriarch's plenipotentiary had laid the whole matter before the bishops for their consideration and decision. This synodal letter itself, as well as all the other documents belonging to it, are found in the Acts of a later Constantinopolitan Synod under the Patriarch Mennas, A.D. 536, Actio v.[3]

Immediately after the opening of our Synod, the monks of all the monasteries of Constantinople presented a petition, and prayed that it might be read aloud, and that the points therein brought forward might be confirmed.[4] The Synod consented, found the petitions of the monks (and of the people) right and reasonable, and decreed that they should be com-

[1] A very complete account of the stormy proceedings on these two days, by an unknown author, is given under the Acts of the Constantinopolitan Synod of A.D. 536, in Mansi, t. viii. pp. 1057–1065, and Hardouin, t. ii. p. 1334 sqq. Cf. Baronius, *ad ann.* 518, n. 6 sqq., and Walch, *Ketzerhist.* Bd. vii. S. 47 sqq.

[2] They called him the œcumenical patriarch, a title very customary at that time, and frequently occurring in the Acts of this and the following Synod. Cf. Baronius, *ad ann.* 518, n. 14.

[3] Mansi, t. viii. p. 1041 sqq.; Hardouin, t. ii. p. 1322 sq.

[4] This petition is in Mansi, t. viii. p. 1049 sqq.; Hardouin, ii. 1327 sqq. As the Synod has embodied all the points of this document in its synodal letter, it is not necessary to give its contents more particularly.

municated by the patriarch to the Emperor and the Empress (Euphemia). The petitions were as follows:—1. That the names of the patriarchs who had died in exile, Euphemius and Macedonius, should be restored to the catalogue of the bishops of Constantinople, and to the diptychs, and that everything which had been done against them should be annulled. 2. That all those who had been condemned and banished on account of their adhesion to Euphemius and Macedonius should be restored. 3. That the Synods of Nicæa, Constantinople, Ephesus, and Chalcedon should be inscribed in the diptychs. (In the old Latin translation of these documents the Synods of Ephesus and Chalcedon are omitted.) 4. That the name of Pope Leo should also be put on the diptychs with the same honour as that of S. Cyril, which already stands on the diptychs. 5. Finally, the Synod declared that in accordance with the demand of the monks and the people, anathema and deposition should be pronounced against Severus of Antioch, who had repeatedly reviled the Council of Chalcedon, and against whom a special letter of complaint from the clergy of Antioch had been presented to this Synod.[1]—All this the Synod declared in their letter to the Patriarch John of Constantinople, which was subscribed by all present, with Archbishop Theophilus of Heraclea at their head.[2]

Copies of these synodal decrees were sent by the Patriarch John also to other bishops of distinction, requesting their concurrence and acceptance. Two such letters from him are still extant, addressed to the Patriarch John of Jerusalem and to Archbishop Epiphanius of Tyre.[3] Both held Synods in the the same year, that at Jerusalem on the 6th of August (with thirty-three bishops), and that at Tyre on the 16th of September, 518,[4] who, in their still extant synodal letter to John of Constantinople and the bishops assembled around him, declare their adherence to their decrees in the most decisive manner. The Synod of Tyre, at the same time, gave here a

[1] Mansi, t. viii. p. 1037 sqq.; Hardouin, t. ii. p. 1317 sqq.

[2] Mansi, t. viii. pp. 1041–1049; Hardouin, t. ii. pp. 1322–1327.

[3] Mansi, t. viii. p. 1065 sqq.; Hardouin, t. ii. p. 1342.

[4] The synodal letter of Tyre is subscribed by only five bishops; but it is not complete, as is shown by the words at the close, καὶ οἱ λοιποί.

long description of the various crimes of Severus of Antioch and his associate, the Tyrian cleric, John Mandrites, and requested that the name of the departed Flavian of Antioch should be placed on the diptychs along with that of Pope Leo.[1] A further document appended to the synodal letter of Tyre gives an account of the proceedings which took place in the principal church there, September 16, 518,[2] after the reading of the letters which had come from Constantinople, and before the opening of the Tyrian Synod. Here also the people demanded, with endless acclamations, that Archbishop Epiphanius of Tyre (who is here also called patriarch) and his suffragans, would anathematise the Monophysite heresy and its adherents, particularly Severus of Antioch and John Mandrites.[3]

A similar third Synod was held by the bishops of Syria Secunda under the presidency of Bishop Cyrus of Mariamna. In their synodal letter to the "œcumenical patriarch," John of Constantinople, they express their joy that now an orthodox Emperor is reigning, and that an end is coming to the time which has been so sad. They further declare their unconditional adhesion to the decrees of Constantinople, and inform them that they have pronounced anathema and deposition, not only upon Severus of Antioch, but upon his associate Bishop Peter of Apamea. In connection with the documents relating to the many crimes of Peter, they finally request of the patriarch of Constantinople and his Synod a confirmation of their sentence and the communication of the matter to the Emperor.[4]

[1] These two synodal letters are found among the Acts of the Synod of 536, in Mansi, *l.c.* p. 1068 sqq.; Hardouin, *l.c.* p. 1432 sqq.; cf. Mansi, *l.c.* p. 578; and Walch, *Ketzerhist.* Bd. vii. S. 67 sqq.

[2] It is the year 643, according to the Tyrian reckoning, on which, cf. Ideler, *Handbuch der Chronol.* Bd. vii. S. 471 ff.; and *Lehrbuch der Chronol.* S. 197. In the marginal note in Mansi, *l.c.* p. 1084, there is a misprint which destroys the meaning, and we must read 518 instead of 543 of the Dionysian era.

[3] Mansi, t. viii. pp. 1082–1092; Hardouin, t. ii. pp. 1354–1362. The Ῥωμαΐκος here named, over whom anathema was also demanded, is certainly not the Roman Pope, since he, a few lines lower, is introduced very respectfully as ὁ Ῥώμης πατρίαρχης.

[4] Mansi, t. viii. p. 1093 sqq.; Hardouin, t. ii. p. 1362 sqq. The documents appended on Peter of Apamea are also in Mansi, *l.c.* pp. 1097–1136 Hardouin, *l.c.* pp. 1366–1394.

There is no doubt that about the same time, and in many other cities of the Byzantine Empire, similar Synods took place for the rejection of the Monophysite heresy and its adherents, whilst the Emperor Justin, after confirming the decrees of Constantinople, expressly demanded this. The Roman deacon Rusticus, a contemporary, also relates that, under the Emperor Justin, about 2500 *Sacerdotes* (bishops) had in writing declared their recognition of the Council of Chalcedon.[1]

John of Constantinople and the bishops assembled around him determined to apply to Pope Hormisdas, in order to bring back Church communion, which for a long time (since 484) had been interrupted on account of the *Henoticon*. The first steps to this end they had already taken by the solemn recognition of the Council of Chalcedon, and by the reception of Leo I. into the diptychs of their Church. The Patriarch John wrote now on this subject to the Pope, communicated to him the decrees of his Synod, assured him that his (Hormisdas') name had already been entered on the diptychs, and concluded with the wish that the Pope, in the full exercise of his holiness, would send some peaceful legates to Constantinople, which should bring the work of unity to perfection.[2]

In accordance with the wish of the Synod of Constantinople, the Emperor Justin added to the letter of the patriarch one of his own to accompany it, dated September 1, 518, in order to support the request that the Pope would send legates to Constantinople in the interest of union. For the better advancement of the matter, the Emperor sent one of his highest officials of State, Count Gratus, with these letters to Rome.[3] The principal business committed to him we learn from a letter which the nephew of the Emperor, afterwards the famous Justinian, addressed to Pope Hormisdas, and gave to Count Gratus to take with him. In this letter he says: "As soon as the Emperor by the will of God (*Dei*

[1] In Baronius, *ad ann.* 518, n. 37, and Mansi, *l.c.* p. 578 sq. At that time there were numbered in Christendom more than six thousand bishops.

[2] *Epistola Joannis ad Hormisd.*, in Mansi, t. viii. p. 436 sq.

[3] *Epistola Justini ad Hormisd.*, in Mansi, t. viii. p. 435.

judicio) had received the princely fillet (*infulas principales*), he had given the bishops to know that the peace of the Church must be restored, and this had already in a great degree been accomplished. *But in regard to Acacius, they must hear the Pope, and therefore the Emperor had sent Count Gratus to Rome with the imperial letter.* Hormisdas therefore should, as soon as possible, either come personally to Constantinople, or send suitable plenipotentiaries."[1]

As is well known, Acacius, patriarch of Constantinople, was the author of the *Henoticon*, and had been anathematised by Rome (above, sec. 213). On his account the separation between the Churches of Rome and Constantinople had taken place. The Patriarch John and his Synod therefore were forced to assume that the Pope would not easily be induced to enter into union with the Byzantines, unless they had first struck out from the diptychs the name of the long-departed Acacius, and had recognised the anathema pronounced upon him. But on this point they would come to no decision, since under the previous Emperor the request of the Pope in this matter had been refused, and his legates driven from Constantinople. And the new Synod of Constantinople had not said a single syllable about Acacius, and had anathematised only Severus of Antioch, whose case was certainly more grave. With the matter of Acacius, Gratus had to deal personally in Rome, and, if possible, to find a middle way.

As we learn from a note appended to the letter of John to the Pope, Gratus arrived in Rome, December 20, 518. Baronius (*ad ann.* 518, n. 82 and 83) mentions that Hormisdas had now held a Synod in Rome, to take counsel on this subject; but he does not mention the source from which he draws, and in the somewhat numerous letters of Hormisdas which belong to this time there is no trace of it. We learn, however, from them that the Pope sent (A.D. 519) the bishops John and Germanus, with the priest Blandus and the deacons Dioscurus and Felix, as legates to Greece, and gave them full instructions as to their line of conduct.[2] In particular, they were to receive no bishop into Church communion unless he

[1] *Epistola Justiniani ad Hormisd.*, in Mansi, t. viii. p. 438.

[2] Mansi, t. viii. p. 441 sq.

had first subscribed the *Libellus* (a confession of faith) given to them from Rome, in which the anathema over Acacius and his fellows was contained.[1] Among these followers the Patriarchs Euphemius and Macedonius were intended, who had led on the separation from Rome, but were of the Chalcedonian party, and on account of their orthodoxy, as we know, had been forced to suffer persecution from the Emperor Anastasius. The Synod of Constantinople referred to had restored their names to the diptychs, and now the Pope demanded that they should be anathematised along with Acacius (as Schismatics), and that the legates were in no way to relinquish this demand. At the same time, Hormisdas addressed a series of letters to the Emperor, to the Empress, to Justinian, to the Patriarch John, to the clergy of Constantinople, and to several distinguished statesmen and court ladies,[2] in order to commend his legates to them, and to ask for their co-operation in order to the restoration of Church union. In most of them he particularly urges that the anathema upon Acacius is a demand of importance, since it is impossible, on the one side, to recognise the Council of Chalcedon, and, on the other side, to retain in the Church diptychs the name of its opponent, who had sought to nullify it, and solemnly to call out his name at divine service.

The papal legates found generally a very respectful reception, and wherever they came, found the bishops willing to subscribe the *Libellus.* On this point we still possess the reports of the legates themselves,[3] as well as a relation of Bishop Andrew of Prævilatana (in Illyria), which also refers to a Conciliabulum, in which the bishops of New Epirus (*Illyris Græca*, see above, sec. 228) were ready to comply with the demand of the Pope only in appearance, whilst their archbishop (of Dyrrhachium) could not at all be brought to the right way. The legates, however, succeeded in their mission in Constantinople. The Patriarch John subscribed, in March

[1] This *Libellus* is the so-called *Formula Hormisdæ* (sec. 228), and was subscribed by the Patriarch John of Constantinople (see below in this section).

[2] Mansi, t. viii. pp. 435–449. To certain persons, as the Emperor and Justinian, two among these letters are directed ; to the patriarch, three. The former were probably sent with the legates, the others before or afterwards.

[3] Mansi, t. viii. pp. 449, 450, 454.

519, the papal *Libellus*,[1] and thus pronounced anathema, not only upon Eutyches, Dioscurus, and others, but also over Acacius and his followers (without naming them in particular), and in the presence of the legates the names of Acacius, Euphemius, and Macedonius, as well as those of the Emperor Zeno and Anastasius, were struck out of the diptychs.[2]

Thus was the union with Constantinople again established; and the Emperor now recommended the other bishops of his kingdom to subscribe the papal *Libellus*, and acquainted the Pope with the same by a letter, dated April 22, 519.[3] Additional letters were sent to Rome by the Patriarch John, the Emperor's nephew Justinian, and many other persons, to acquaint them with what had been done at Constantinople, and to express their joy at the issue.[4] Hormisdas, however, requested the Emperor, as well as the Patriarch John, the Prince Justinian, and others, to use their best exertions to bring about union also in Antioch and Alexandria, so that it might be brought about through the whole empire.[5] There were many hindrances in the way of unity, and, in particular, the question raised by the Scythian monks as to whether we should say: "One of the Trinity has suffered" (see vol. iii. sec. 208). During these new controversies the Patriarch John died, A.D. 419, and a Synod held for this reason at Constantinople (at the end of 519 or in 520), consisting of ten metropolitans and as many other bishops, informed the Pope that the priest and syncellus[6] Epiphanius had become the successor of John.[7] The answer from Rome, addressed to the Synod, is of date so late as March 26, 521.[8]

SEC. 234. *Synods in Wales and at Tournay.*

We have very scanty information respecting two Synods

[1] His *Libellus Fidei* is in Mansi, *l.c.* p. 451; Hardouin, *l.c.* p. 1016 sqq.
[2] Compare the account of the legates in Mansi, *l.c.* p. 453 sq.
[3] Mansi, *l.c.* p. 456; Hardouin, t. ii. p. 1016.
[4] Mansi, *l.c.* pp. 457–460.
[5] Mansi, t. viii. p. 462 sqq., and p. 468 sq.
[6] Chaplain to the late archbishop. [On the origin of the term, see *Dictionary of Christian Antiquities, s.v.*]
[7] Mansi, *l.c.* p. 491 sqq.
[8] Mansi, *l.c.* p. 512 sq.

which were held about this time in Wales, that part of Britain which had remained Christian, the one in the year 519, the other somewhat later. Occasion was given for the former by the Pelagian heresy. In order to suppress this in Wales, the bishops Germanus of Auxerre and Lupus of Troyes had instituted a mission there about ninety years earlier, and with great results.[1] But the tares had again grown rank, so that, in the year 519, the bishops of Wales (Cambria), with the abbots and many other clergy and laity of distinction, assembled in Synod at Brevi, in the district of Keretica (Cardigan). At first they could make no impression upon the heretical populace. Then one of them, Paulinus, proposed that the holy Bishop David of Menevia,[2] who had not yet arrived, should be fetched, which was immediately done. David came, made an address accompanied by a miracle, and won their hearts to such an extent that all the heretics present renounced their error. In gratitude for this, David was raised to be metropolitan for all Wales; and this dignity, which formerly belonged to the *Urbs Legionum* (Caerleon on Usk), was now connected with the see of Menevia.[3]

At the other Synod in Wales, held somewhat later at Victoria (probably A.D. 520), they confirmed the decrees of the assembly just mentioned, which is here called *Synodus Menevensis*, because the *Regio Keretica*, in which it was held, belonged to the diocese of Menevia. Besides this confirmation, there were at this Synod, as at the former, many canons passed for the regulation of Church life in Wales, but they have not come down to us.[4]

To the year 520 is also assigned a Synod at Tournay or Doornick (Tornacum), in the ecclesiastical province of Reims (but now belonging to the kingdom of Belgium), held by the bishop of that city, S. Eleutherius, for the rooting out of heresy. As he summoned only clergy and laity of his own diocese to this Synod, as the very brief Acts relate, we have here only a diocesan Synod before us, which demands so much

[1] Cf. Montalembert, *Monks of the West*, vol. iii.

[2] Menevia lies at the south-western corner of Wales, and received, in memory of this Bishop David, the name of S. David's. Cf. Montalembert, *l.c.*

[3] Mansi, t. viii. p. 579 sqq.

[4] Mansi, t. viii. p. 583.

the less consideration, as we have no details except the speech which Eleutherius then addressed to the assembly, and in which he confessed the orthodox doctrine of the Trinity.[1] Even the genuineness of this speech, like that of the alleged writings of S. Eleutherius generally, is not quite raised above suspicion.[2]

Sec. 235. *Synodal Letter of the African Bishops banished to Sardinia from the Year* 523.

The Vandal King Thrasamund had banished many African bishops to Sardinia, among them S. Fulgentius of Ruspe. The celebrity which these men, especially Fulgentius, gained on account of their deep theological insight, led to their being consulted by strangers, who wrote to ask their counsel on important questions, and especially by the Scythian monks of Constantinople, John Maxentius at their head. These wrote an account of the conflict then going on with the Semipelagian heresy, and especially against the writings of the late Bishop Faustus of Riez.[3] Such a letter from them is still extant,[4] and gave occasion for the treatise of Fulgentius, *De Incarnatione et Gratia Domini nostri Jesu Christi.* A second letter of these monks, still more important in its consequences, has been lost. Along with it they had sent to the African bishops in Sardinia the writings of Faustus of Riez. Fulgentius drew up, in opposition to them, three books, *De Veritate Prædestinationis et gratiæ Dei*, and seven books against Faustus. These are no longer extant, but the other three books are in all editions of the works of Fulgentius.[5] This scholar and biographer says (cc. 28 and 29) that he wrote the seven books against Faustus whilst he was still in Sar-

[1] Mansi, *l.c.* p. 587 sqq.

[2] Cf. Oudin, *Commentar in Script. eccles.* t. i. p. 1334; Binterim, *Deutsche Concilien*, Bd. i. S. 396 sq.

[3] A complete account of this conflict in given by Cardinal Noris in his *Historia Pelagiana*, lib. ii. c. 18 sqq.

[4] Among the works of S. Fulgentius (*Biblioth. Max. PP.*, Lugd. t. ix. p. 196), and in the appendix to the works of Augustine, in Migne's edition, t. x. pt. ii. p. 1772.

[5] So, *e.g.*, in the *Biblioth. Max. PP.*, Lugd. t. ix. p. 232 sqq.

dinia, and the three, *De Veritate Prædestinationis*, in Africa again, after his deliverance from exile (after Thrasamund's death, May 28, 523).[1]

That letter of the monks gave occasion for a third letter, which, although also written by Fulgentius, was sent out in the name of his colleagues with him. This is the famous *Epistola Synodica*,[2] which has been reproduced in several collections of the Councils. That it emanated from Fulgentius his biographer proves (c. 20) beyond question, although his name is wanting from the twelve bishops mentioned in the superscription. The letter is addressed to the priest and archimandrite John, the deacon Venerius, and their associates, and it is universally admitted that hereby John Maxentius, the abbot of the Scythian monks, and the monks themselves[3] are meant. Whether, however, this *Epistola Synodica* had been decided upon at a formal Synod of these bishops must remain undecided. It was formerly thought that it was despatched from Sardinia (A.D. 521), because in sec. 2 it is said that the letter of the monks had brought the bishops comfort in exile; but Cardinal Noris showed very fully[4] that this document might have been composed after the end of the exile in Africa, since in the last paragraph but one the seven books (of Fulgentius) against Faustus, and the three books, *De Veritate Prædestinationis*, are recommended to the monks for reading. As the latter of these books falls into the time after the exile, still more does the *Epistola Synodica*. Besides, in sec. 27 of this letter Pope Hormisdas is spoken of as already dead (*beatæ memoriæ*); and his death took place August 6, 523, consequently later than that of King Thrasamund. We arrive then at the result, that the exiled bishops received the letter of the monks while they were still in Sardinia, during their banishment, and answered it later on, after their return to their native country.

[1] *Biblioth. Max. PP. l.c.* pp. 14 and 15. On the real day of Thrasamund's death, cf. Noris, *Historia Pelagiana*, lib. ii. c. 21.

[2] In Mansi, t. viii. p. 591 sqq.; Hardouin, t. ii. p. 1005 sqq. In the *Biblioth. Max. PP.*, Lugd. t. ix. p. 229 sqq., and in the Appendix to the works of Augustine, Migne, t. x. pt. ii. p. 1779 sqq.

[3] Cf. Noris, *Historia Pelagiana*, lib. ii. c. 21; Walch, *Ketzerhist.* Bd. v. S. 127 and 128, *ann.* 3.

[4] *Historia Pelagiana*, lib. ii. c. 21.

The principal contents of this beautiful letter are as follows:—1. All members of the Church must have a mutual care for one another. 2. We rejoice that you hold fast the right view on the grace of God; but it grieves us that, according to your information, certain brethren (Faustus of Riez and his adherents) desire to elevate human freedom too much, in opposition to divine grace. 3. This comes to pass by divine permission, that the power of grace may be more clearly seen, for it would never be recognised if it were not granted; and he who has it opposes it neither in words nor in works. 4. Grace imparted by God produces good words and good deeds and good thoughts. 5. Men must know and confess as well the *egena paupertas humani arbitrii* as the *indificiens largitas divinæ gratiæ*. Before the latter is imparted to him, man has certainly a *liberum*, but not a *bonum arbitrium, quia non illuminatum*. 6. In order, however, to come closer to the contents of your letter, you say, sec. 7: Before Esau and Jacob were born, Jacob was elected by the unmerited mercy of God (*misericordia gratuita*); but Esau, because infected with original sin, was rightly hated by God. Your opponents, however, maintain: In Esau *figuram esse populi Judæorum, ex* futuris malis operibus condemnandi; *in Jacob vero figuram esse populi gentium*, ex futuris operibus bonis salvandi. These two statements should be united. 8. Those two brothers are really the types of the two peoples named, but the reason of their different lots (divine election and the hatred of God) is in regard to the one the *gratuita bonitas* of God, in regard to the other the *justa severitas* of God. Certainly *non sunt electa, neque dilecta in Jacob* humana opera, sed dona divina. 9. Jacob was elected only through the mercy of God, not as a reward for any kind of future virtue (*non pro meritis futuræ cujusquam bonæ operationis*); and God knew beforehand that He would grant to him both faith and good works. Faith, however, cannot be given as a reward for any kind of good works, for these are possible only when faith has first been granted (through grace). 10. But as faith is granted, so also are works. 11. Esau was a vessel of wrath, and not unjustly: *Iram juste meruit*, for God is not unjust. As in Jacob God has shown the *misericordia gratuitæ*

bonitatis, so in Esau the *judicium justæ severitatis*, because he, through the sacrament of circumcision, was delivered from the guilt of original sin,[1] yet through his *nequitia cordis* retained the old earthly man (*in hominis terreni vetustate permansit*). In his person not only are those prefigured who deny the faith, but also those members of the Church who persevere in evil works. 12. They are condemned like Esau. 13. In regard to children the following is true: *Parvulus qui baptizatur gratuita Dei bonitate salvatur; qui vero sine baptismate moritur propter peccatum originale damnatur.* 14. On grace, he thinks wrongly who believes that it is given to all. There exist, in fact, whole nations to whom grace has not yet penetrated. 15. Further, grace is not given *æqualiter* to all who have received it. 16. You say: Man desires salvation only through the *misericordia Dei*; while they (the Semipelagians) maintain: *Nisi quis propria voluntate cucurrerit et elaboraverit, salvus esse non poterit.* Both must be held together: The *misericordia Dei* must go before, human co-operation must follow. The beginning of salvation comes only from the divine mercy, but the human will must co-operate, must be *co-operatrix suæ salutis, ut misericordia Dei proveniens voluntatis humanæ dirigat cursum, et humana voluntas obediens, eadem misericordia subsequente, secundum intentionem currat ad bravium.* The human will will *become* good, *si Dei præveniatur dono*, and will *remain* good, *si ejus non destituatur auxilio.* 17. The words in the Epistle to the Romans (ix. 18): *Cujus vult, miseretur, et quem vult indurat*, are to be understood in the sense that S. Paul here brings forward his own view, not the objection of another. This appears from what follows (ix. 21). 18. If, however, it is said that God hardens, it is not meant that He drives men to perverse conduct, but that He does not deliver from such a state, and he who is not delivered receives only his due (*recipit quod meretur*). 19. You refer to Phil. ii. 13, *Deus operatur in vobis et velle et*

[1] Above in par. 7 the bishops said: *Esau originali peccato detentus justo judicio Dei est odio habitus* (as before his birth, so also before his circumcision, he was made a *vas odii*). Now they say (par. 11): *Sacramento circumcisionis —reatu peccati originalis caruit.* This later view is found in several ancient Fathers.

operari, and on the other hand to Isa. i. 19, *Si volueritis, . . . bona terræ comedatis.* These two passages also must be taken together. God *commands* man to *will*, and also *works* in him to *will*; and He commands him to *do*, and works in him to do. 20. A view which is too absurd is taken by the opponents of the expression *Vasa misericordiæ*, when they would understand by this, those who are by God endowed with secular or spiritual places of honour, and by *Vasa contumeliæ* (Rom. ix. 21), the lowly, monks and laymen. 21. Anyone who opposes the *Prædestinatio Sanctorum* (i.e. *prædestinatio ad vitam*) assails Holy Scripture (Rom. viii. 29; Eph. i. 5; Rom. i. 4). 22. The predestinated are those of whom God wills that they shall be blessed, and attain to the knowledge of the truth. As among these are included people of all conditions, ages, sexes, etc., it is said, He will have all men to be saved. *Qui propterea* omnes *dicuntur, quia in utroque sexu, ex omni hominum genere, gradu, ætate, et conditione salvantur.* Christ Himself says (S. John v. 21), in those, to whom He will give eternal life, He does not wait for the human will to make a beginning, but He gives life, since He makes the will itself to be good. This is the case with adults. In the case of children, however, where the will cannot yet be made good, He works out their salvation by the operation of grace alone. 23. Freewill, which was sound in the first man before his sin, is now repressed, even in the children of God, by their own weakness, but it is restored through the still stronger grace of God. 24. The question as to the origin of souls, whether they come *ex propagine*, or whether for every new body a new soul is created (*sive novæ singulis corporibus fiant*), we will pass over in silence. The Holy Scripture does not decide this question, and it should be examined with precaution. 25. On the other hand, it is certain that the souls of children *nexu peccati originales obstrictas esse*; and that therefore the sacrament of baptism is necessary for all, *quo dimittitur peccati originalis vinculum, et amissa in primo homine per secundum hominem recipitur adoptio filiorum.* 26. Be steadfast in the faith, and pray for those who have not the right faith. 27. Especially give them the books of Augustine to read which he addressed to Prosper and Hilarius.

28. This we have in common written to you. But one of us has answered all the objections of these erring brethren, against grace and predestination, in three books, and has written seven books against Faustus, which you should read. 29. Might God grant to all who had the true faith an increase thereof, and to others the knowledge of the truth.[1]

Sec. 236.—*Synods at Junca and Sufes in Africa.*

To the same year, 523, Mansi assigns the *Concilium Juncense* (Junca) in the province of Byzacene in Africa, which was formerly assigned to the following year.[2] We still possess a letter of the president of this Synod, the primate at that time of the province of Byzacene, Liberatus, to Archbishop Boniface of Carthage, in which he says that the peace of the Church had again been restored at this assembly.[3] What was further necessary, he said, would be conveyed by word of mouth by the bishops who were intrusted with the letter. The peace of the Church had been disturbed, partly by the conflict of Liberatus with a monastery (see sec. 238 below), and partly because Bishop Vincentius of Girba (Girbitanus) had invaded the province of Byzacene, although he belonged to the province of Tripolis, consequently from a strange province.[4] Ferrandus in his *Breviarium Canonicum*, c. 26, gives us a canon of this Synod, which runs thus: *Ut in plebe aliena nullus sibi episcopus audeat vindicare.*[5] Finally, we learn from the biography of S. Fulgentius, c. 29, that he was also present at one Synod (called, by an error of the transcriber, Vincensis instead of Juncensis), and that the Synod gave him

[1] An historical and doctrinal dissertation on this *Epistola Synodica* is given by Cardinal Aguirre in the second volume of his *Concilia Hispaniæ*.

[2] Mansi, t. viii. p. 634. At p. 652 Mansi gives a letter of Archbishop Boniface of Carthage addressed to the bishops who were at the Council of Junca. This letter is dated xvii. Kal. Januarii, anno primo (*i.e.* of the Vandal King Childeric), and says that for the following year Easter is on the vii. Idus April. This letter is consequently written in December 523, and thus gives us the date of the Synod of Junca.

[3] Mansi, *l.c.* p. 633; Hardouin, t. ii. p. 1085.

[4] Mansi, *l.c.* p. 633 and 652. Further on the Synod of Junca we shall find below in the history of the Council of Carthage, A.D. 525.

[5] Mansi, *l.c.* p. 633.

precedency over another bishop named Quodvultdeus. As the latter was hurt by this, Fulgentius himself requested at the next Council, which was held at Sufes (Sufetanum), also belonging to the province of Byzacene, that Quodvultdeus should again be given precedence of him.[1] No more is known of the Synod of Sufes.

Sec. 237.—*The Synods at Arles, Lerida, and Valencia,* A.D. 524 (546).

The great East Gothic King Theoderic had, in the year 507, plundered the city of Arles, and had incorporated it, together with a part of Gallia Narbonensis, if only for a short time, into his own kingdom.[2] Besides, as we know, he administered the Spanish West Gothic kingdom as guardian of Amalrich (see above, sec. 229). In the great domain which thus owned his sceptre, three Synods were held in the year 524, at Arles in South Gaul, and at Lerida and Valencia in Spain. The Synod at Arles, often called the third, but more properly the fourth, held on June 6, 524, numbered thirteen bishops and four representatives of absent bishops. The names of the episcopal sees are not given in the short Acts, and the president, Cæsarius, was evidently the famous Archbishop Cæsarius of Arles, already frequently mentioned. In the preface to the Acts it is remarked that the dedication of the Basilica of S. Mary at Arles was the occasion of this assembly. In order, on some points, to restore the ancient Church disciple, they decreed four canons, which are essentially only renewals of more ancient ordinances:—

1. No one is to be ordained bishop before his twenty-fifth year, and no layman is to be a bishop unless his conversion[3] has preceded, or he is thirty years old. Cf. cc. 16 and 17 of the Synod of Agde, sec. 222.

[1] Ferrandi Fulgentii *Vita S. Fulgentii* in *Biblioth. PP. Max.*, Lugd. t. ix. p. 15; Mansi, t. viii. p. 634.

[2] Gallia Christ. t. i. p. 535; Sirmond, *Concil. Galliæ*, t. i. p. 604; Mansi, t. viii. p. 632.

[3] *Conversio* signifies ordinarily entrance into the monastic state, or in general the vow to renounce the world and lead an ascetic life. Thus *conversio=Professio continentiæ*. Cf. Du Cange, *Glossar. a.h.l.*, and above, sec. 222, c. 16, note.

2. No layman is to be ordained bishop, priest, or deacon unless he has, for one year at least, been converted (taken the vow of continence). At an earlier period a longer period was required, but the increase in the number of the churches now makes a greater number of clerics necessary.

3. No one who has done penance, or who has married a second time, or a widow, must be ordained bishop, priest, or deacon. A bishop who, nevertheless, ordains one of these, shall not say Mass for a year; and if he does this he will be excluded *ab omnium fratrum caritate* (cf. sec. 200, c. 20 of Chalcedon). Received into the *Corpus jur. can.* as c. 2, Dist. lv.

4. If a cleric takes to flight in order to escape from Church discipline, no one (*i.e.* no other bishop) must receive him, still less defend him, on penalty of exclusion from Church communion.[1]

5. Gratian, Burchard, and others ascribe to many Synods of this period (sec. 231 and sec. 232), and Worms among them, several other canons, which partly belong to other Synods and partly are of doubtful genuineness. Mansi has them collected, *l.c.* p. 627 sqq.

Just two months later, on August 6, 524,[2] eight bishops, and a priest as representative of his bishop, assembled in the Church of S. Eulalia at Ilerda (Lerida) in the ecclesiastical province of Tarragona. The names of their sees are only partially given in the Acts. We learn them, however, completely from other sources, in Florez, *España Sagra*, t. 46, p. 99, and Ferreras, *History of Spain*, vol. ii. Hence we learn that Sergius, archbishop of Tarragona, was the president of this Synod; Justus, bishop of Urgelis, Casonius or Castonius, bishop of Ampurias, John, bishop of

[1] Mansi, t. viii. p. 626 sq.; Hardouin, t. ii. p. 1070 sq.

[2] This date is given in the superscription of the Acts of this Council, which has: *Anno xv. Theuduredi vel Theorderici regis.* But it has been contended by Cardinal Aguirre, and after him by Pagi (*ad. ann.* 546, etc., 10 and 11), Florez (*España Sagrada*, t. 46, p. 99), Ferreras (*Hist. of Spain*, vol. ii.), and others, that, instead of Theuduredi, we should read Theudis (or else that Theudes had the surname of Theoderic), and, as King Theudes began to reign in December 531, it is necessary to remove our Synod, and also the following one at Valencia, to the year 546.

Sarragossa, Paternus, bishop of Barcelona, Maurelio, bishop of Dertosa (Tortosa), Taurus, bishop of Egara, Februarius of Lerida, and Gratus, representative of Bishop Staphylius of Gerundum. They drew up the following canons:[1]—

1. In regard to the clergy in a beleaguered town it is ordained, that while they serve at the altar and communicate the blood of Christ and handle the vessels appointed for divine service, they must shed no human blood, not even that of their enemies. If, however, they do so, they must be excluded for two years from their office and from communion. If in these two years they have expiated their offence by watching, fasting, prayer, and almsgiving, they may again be restored to office and to communion, but they may not be advanced to any higher office. If, however, they have shown themselves slothful in regard to their spiritual welfare during the time of their suspension, the bishop (*sacerdos*) may prolong their time of penance.—Taken into c. 36, Dist. l.

2. If anyone should seek to put to death his child begotten in adultery, whether after its birth or in its mother's womb, he may after seven years be again admitted to communion, but must, for his whole life, remain in penitence and humility. If he is a cleric, he can never again be placed in his office, but may, after obtaining communion, only act as singer. To poisoners, however, even if they have steadfastly lamented their crime, communion may again be imparted only at the end of their life.

3. In regard to monks, the ordinance of the Synod of Agde (c. 27), or Orleans (i. 15–17), shall be confirmed;[2] and it is only to be added that the bishop has the right, with the assent of the abbot, to ordain for the service of the Church those monks whom he has known to be qualified. But anything which has been given to the monasteries as presents is not at the disposal of the bishop. A layman who wishes

[1] Printed in Mansi, t. viii. p. 612 sqq.; Hardouin, t. ii. p. 1064 sqq.; and in Gonsalez, *Colleccion de Canones de la iglesia Española*, Madrid, 1849, t. ii. p. 138 sqq.; cf. Gams, *Kirchenv. v. Spanien* (1864), Bd. ii. S. 438 ff.

[2] According to Hardouin, the addition, *vel Aurelianensis*, is wanting in some manuscripts.

to have a church built by him consecrated, must not withdraw it from the authority of the bishop under the pretext that it is a monastic church, whilst no monks are in it and no rule for it has been drawn up by the bishop. Cf. 34, C. xvi. q. 1, and C. x. q. 1.

4. Incestuous persons, so long as they remain in their criminal intercourse, must be admitted only to the *Missa Catechumenorum*, and none of the faithful must eat with them, in accordance with 1 Cor. v. 9 and 11. Cf. c. 9, C. xxxv. q. 2 and 3.

5. If clerics who serve at the altar have fallen into a sin of the flesh, but have done penance, it lies in the power of the bishop to suspend the deeply penitent for no great length of time, but to separate the more negligent for a longer time from the body of the Church. They may, after their restoration, receive their posts again, but they may not be advanced to higher offices. If they fall back into sin, they shall not only be deposed, but they shall no longer receive communion, unless when they draw near to death. Cf. c. 52, Dist. l., and c. 2, C. xv. q. 8.

6. If anyone has violated (*vim stupri intulerit*) a widow vowed to continence,[1] or a nun (*virgo religiosa*), if he will not separate from her, must be excluded from the communion, and from intercourse with Christians. But if the violated woman has returned to the ascetic life (*vita religiosa*), then so long as he does not do public penance, the sentence above mentioned shall be confirmed.

7. If anyone pledges himself by an oath never to become reconciled with his opponent, he must, on account of this sinful oath, be excluded for a year from the communion of the body and blood of the Lord, and he must blot out his fault by alms, prayers, and the severest possible fasting, and endeavour, as soon as possible, to attain to love, "which covers a multitude of sins" (1 Pet. iv. 8). Cf. c. 11, C. xxii. q. 4.

8. No cleric must take his servant or scholar out of a church to which he has fled (in order to escape punishment),

[1] *Vidua pœnitens* is a widow who has laid aside the vow of matrimony in order to live the ascetic life—a pendant to the *Vir conversus* or *pœnitens*. See above, sec. 222.

or scourge him. If he does so, he must, until he does penance, be excluded from the place which he has not honoured (*i.e.* the Church). Cf. c. 17, C. xvii. q. 4.

9. In regard to those who have received sinful baptism (*i.e.* from a sect), without being constrained by compulsion or fear of martyrdom, the ordinances (c. 11) of the Synod of Nicæa on sinners (who have erred without being driven to it by necessity) shall apply to them, namely, that they must worship for seven years among the catechumens and two years among the faithful (in the fourth degree of penitence), and then, through the kindness of the bishop, again may assist at the sacrifice and the eucharist.

10. If the bishop shall order anyone, because of any kind of fault, to go out of the church,[1] and he does not obey, he must, for his obstinacy be punished for a considerable time, and then receive pardon. Cf. c. 39, C. xi. q. 3.

11. If clerics have fallen into hostility (and have fought), they must be punished by the bishop in a manner corresponding with their degradation of their office.

12. If a bishop has, in the past, ordained clerics without proper precautions, may God and the Church forgive him. In future, however, the canonical ordinances which forbid such ordinances must come into force. Whoever shall in future be ordained in contravention of them, must be deposed; and those who have already been improperly ordained, shall not be advanced to higher dignities.

13. If a Catholic lets his children be baptized by heretics, his offering shall not be received in the Church.

14. The faithful must have no fellowship at all with the rebaptized, nor even eat with them.

15. Intercourse with strange women has been forbidden to the clergy by the ancient Fathers. Whoever, after a second warning, does not correct himself, shall be deprived of the dignity of his office so long as he perseveres in his error. When he has corrected himself, he may be restored to the sacred ministry.

[1] Ferreras in his *History of Spain*, vol. ii., suggests that, instead of *ab ecclesia cxire*, we should read *ad ecclesiam venire*. But certainly no change is necessary.

16. When a bishop has died, or is near to death, no cleric must take anything from the episcopal residence, neither by violence nor by cunning. Nothing must be carried off secretly, nothing concealed; but the episcopal house must be intrusted to a (clerical) administrator, with one or two assistants, so that all may be preserved until the admission to office of the new bishop. Whoever acts otherwise must, as guilty of sacrilege, be smitten with the *prolixiore anathemate* (*i.e. excommunicatio major*): to him shall scarcely be given the *communio peregrina* (*Reus sacrilegii prolixiori anathemate condemnetur, et vix quoque peregrina ei communio concedatur*).[1] According to the explanation given above of *communio peregrina* (under c. 2 of Agde, sec. 222), our passage gives this good meaning: "Such clerics shall be excluded from Church communion for a considerable time; and they shall hardly receive that amount of support which is given to travelling Christians who have no letters of peace with them."

Other ordinances, which the mediæval collectors of canons assigned to the Synod of Lerida, are placed here by Mansi (*l.c.* p. 616 sqq.).

What has already been said in reference to the time of the holding of the Synod of Lerida is equally applicable to that of Valencia in Spain, a large and famous city on the coast of the Mediterranean which then belonged to the province of Toledo, but subsequently formed the metropolis of a province of its own, *Valentiana*. This Synod also was held in the fifteenth year either of Theoderic or of King Theudes, and on the 4th of December. The Acts are subscribed by six bishops, Celsinus, Justinus, Reparatus, Setabius, Benagius, and Ampellius, and an Archdeacon Sallustius as representative of his bishop, Marcellinus; but the sees of these bishops are not named. Ferraras suggests that the bishop named Celsinus, who stands at the head of his colleagues, is no other than Archbishop Celsus of Toledo. If this suggestion is correct, then our Synod must belong to the fifteenth year of Theoderic, and so to the year 524; for in the year 531 the celebrated Archbishop Montanus, the successor of Celsus, occupied the

[1] After *communio* some editions have improperly inserted *animæ*; but Hardouin corrected the error.

see of Toledo.[1] Mansi, however, thought that by Celsinus is meant the bishop of Valencia who bore this name, who was present, in 590, at the third Council of Toledo; and in that case our Synod would have to be removed to the end of the sixth century.[2] Entire certainty in regard to this chronological question is not attainable.

The decrees of Valencia[3] have some affinity with those of Lerida, and thereby show that they are contemporaneous with them. As at other Synods, so at Valencia, the older ecclesiastical canons were read aloud and enforced afresh, and only six additions as special *Capitula* were added to the Acts:—

1. The Gospel is to be read before the oblation (*ante munerum illationem*), or before the dismissal of the catechumens,[4] or after the Epistle (*Apostolus*), so that not only the faithful, but also the catechumens, penitents, and all others may hear the word of God and the sermon of the bishop. For it is well known that through the hearing of preaching many have been led to the faith. Cf. c. 18 of the first Synod of Orange (vol. iii. sec. 162).

2. It is peremptorily forbidden to clerics after the death of the bishop to appropriate anything which he has left behind. In accordance with the ordinance (c. 6) of the Synod of Riez (vol. iii. sec. 161), a neighbouring bishop, after the celebration of the obsequies, should take the oversight of the orphaned church, and an accurate inventory of the late bishop's property should be drawn up and sent to the metropolitan. Afterwards an administrator of the vacant diocese should be appointed, who should pay their stipends to the clergy, and give an account to the metropolitan. Cf. c. 16 of the Synod of Lerida.

3. Even the relations of the departed bishop may not appropriate anything of what he has left without the

[1] Cf. under the second Synod of Toledo of A.D. 531, and Florez, *España Sagrada*, t. v. p. 247 sqq.

[2] Mansi, t. viii. p. 626.

[3] In Mansi, t. viii. p. 619 sqq.; Hardouin, t. ii. p. 1067 sqq.; Gonsalez, p. 146 sqq.

[4] Instead of *ante missam catechumenorum*, Mansi (*l.c.* p. 620) proposes to read *in missa*. But no alteration is necessary, if we take *missa* in the original and immediate meaning=*dimissio*.

previous knowledge of the metropolitan or of the comprovincial bishop, so that Church property may not be mixed with the private property of the testator.

4. It will no longer be allowed that the body of a departed bishop should remain too long unburied because of the absence of the *episcopus commendator*.[1] Therefore the bishop on whom the burial by succession devolves shall visit his sick colleague while he lives, in order either to congratulate him on his restoration to health, or to exhort him to set his house in order. He shall give effect to his last wishes; and if he dies, he shall first offer the holy sacrifice (*Sacrificium*) for the departed, then bury him, and carry out what is prescribed in the foregoing canon. If, however, a bishop dies suddenly, without neighbouring bishops being able to be present, his body shall be laid out only a day and a night, surrounded by singing brothers (clerics), monks, and others. Then shall the priests lay him in a retired place, but not bury him, only continue in an honourable manner the prayers for him (*honorifice commendetur*), until a bishop, called in with all possible despatch, inter him solemnly and in a fitting manner.

5. If a cleric, or a deacon, or a priest does not remain steadily at the church which is intrusted to him, but goes about in an unsettled manner, he shall, as long as he continues in this fault, be deprived of the communion and his position.

6. No one may ordain a strange cleric without the concurrence of his bishop. Moreover, the bishop may not ordain anyone who has not first promised to remain in his position.

Six other canons which, in the collection of Burchard of Worms are assigned to a *Concilium Valentinum*, without indication whether Valencia in Spain or Valence in France is meant, are in Mansi's collection, t. viii. p. 623.

Sec. 238. *Synod at Carthage*, A.D. 525.

After the death of the Vandal King Thrasamund (May 28, 523) his successor Hilderic put an end to the protracted oppression of the Catholics, recalled the banished bishops, and,

[1] *Commendationes* are the prayers for the dead, as Du Cange, *Glossar.* (*s.v.*), fully shows. The commendator is therefore the person who celebrates the obsequies.

at the wish of the inhabitants of Carthage, gave his consent that Boniface, who became afterwards so famous, should be elected bishop and primate, and should be consecrated in the Basilica of S. Agileus the Martyr.[1] In the sacristy of the same church Archbishop Boniface held his first Synod, which, as the Acts declare, began February 5, 525, and was attended by bishops from the most diverse dioceses of Africa. Their names, sixty in number, are found in the subscription of the minutes of the Synod, and there were also many deputies and representatives of their provinces. The bishops sat, beside and behind them stood the deacons. Boniface, as president, spoke first, expressing his great joy at the Synod taking place, and at the restoration of liberty to the Church, *i.e.* at the end of the persecution.[2] Another bishop answered him (the minutes are here defective), spoke of the joy of all in having so excellent a president as Boniface, and besought him, for the advantage of the African Church, to procure for the canons their earlier respect, and to re-establish again the regulations of his lamented predecessor Aurelius.[3] Thereupon the legitimation of the deputies sent from the different provinces took place; and Boniface first had his letter read which he had sent to the Primate[4] Missor of Numidia, in which he requested this metropolitan, who on account of age was himself unable to appear, to send three plenipotentiaries, and himself designated those whom he wished to be sent. He also declared in this letter that it was a principal business of the Council to bring down the pride of some bishops who wished to exalt themselves over such as had precedence of them, and, as it seems, even sought to get rid of their subordination to the archbishop of Carthage.[5] On this account it was neces-

[1] Cf. the original documents in Mansi, t. viii. p. 635.

[2] Mansi, t. viii. p. 636; Hardouin, t. ii. p. 1071.

[3] Archbishop Aurelius was still alive A.D. 426. After him Quodvultdeus occupied the see of Carthage only a short time (Baronius, *ad ann.* 430, n. 74). He was succeeded by Capreolus, who, as we saw above (sec. 134), wrote, in the year 431, to the Synod of Ephesus. By an error, Butler (*Lives of the Saints*) places the death of Aurelius at A.D. 423.

[4] On the word *Primas*, in the African sense, cf. sec. 109.

[5] Scarcely had the African bishops returned from exile and been freed from persecution when contests about precedence broke out among them, as we have already seen in the history of the Synods of Junca and Sufes, sec. 236.

sary that the order of precedence among the African bishops should now be established by the Synod. He also indicated to Missor, according to ancient custom, as he said, the day for the next Easter festival (May 30, 525).[1]

To the question of the archbishop, whether deputies from Numidia were present, and had brought with them a letter from their primate, Bishop Florentius of Vicopacatum answered, in their name, in the affirmative, and requested that Missor's letter might be read. The primate of Numidia expressed his sorrow at the disputes about precedency which had arisen, and at the wrongs which had been done to Boniface. He praises his patience and forbearance, but points out that thereby, and because Boniface had not been willing to settle the controversy himself,—a duty which was incumbent upon him,—the insolence of some had grown greater. Boniface, he said, had indicated three Numidian bishops whom Missor was to send as deputies to the Synod; but one of these, Marianus of Tullia, before the arrival of the letter, had on his own account set off for the Synod, and therefore Bishop Florentius had been appointed as the third deputy from Numidia. As he had no doubt that Januarius (also a Numidian bishop), the consecrator of Boniface, was present at the Synod, he had written to him and requested him, with the Numidian deputies, in the impending controversies, to give assistance to the side which was in the right.[2]

Boniface had also addressed letters of invitation to the bishops of Asia Proconsularis and the province of Tripoli, which were now read. Deputies were present from these also, and also from Mauretania Cæsariensis and Sitifensis. The Primate Liberatus of the province of Byzacene, on the contrary, in spite of repeated invitations, had not appeared, on which Boniface expressed himself very freely. On the following day the bishops requested that, in case he should not then appear, they should consult on the subject of his non-appearance, and the Numidian deputy, Bishop Felix, at the close of a very courteous speech, expressed the wish that Boniface should now settle to whom the rank next to him

[1] Mansi, t. viii. p. 637 sq.; Hardouin, t. ii. p. 1072 sq.
[2] Mansi, t. viii. p. 638 sq.; Hardouin, t. ii. p. 1073 sq.

should belong. Appealing to the 19th canon of the Synod of Carthage of A.D. 418 (c. 127 in the Codex Ecclesiæ Africanæ), Boniface explained that, according to the ancient practice of the proconsular province (Carthage), Numidia came next, and then Byzacene, etc. Whoever should venture to disturb this order should be deposed. Hereupon he caused to be read the Creed of Nicæa, and at the request of several, also a series of such ancient canons, chiefly of African Councils, as he considered specially suitable for the instruction of the newly appointed bishops; among them, at the express wish of the Synod, those canons also which treated of the precedence and the privileges of the see of Carthage, or could be related to the subject. With this closed the session of the first day, late at night; and all the bishops present signed the minutes together with the documents, which had been read, embodied in them, the canons and the Nicene Creed.[1]

On the next day, February 6, the bishops assembled again in the sacristy of the Church of S. Agileus, and Archbishop Boniface opened this second session with the announcement: Everything which touched the African Church in general had been brought to an end yesterday, so that they could now pass on to special business, and settle any requests and representations of particular persons. The Deacon Gaudiosus now informed them that the Abbot Peter, with some older monks from his monastery, stood at the door and asked permission to appear before the Synod. When Boniface granted the request, the Abbot Peter presented in his own name and in the name of his monks an accusation in writing against Liberatus, the primate of the province of Byzacene, who had, at the numerous Synods held by him, endeavoured to bring ruin upon their monastery, and had irregularly inflicted the heavier excommunication upon them. The assembled bishops were therefore requested to interest themselves in the monks, as they had never failed either in regard to the faith or in regard to good morals.

After the hearing of this memorial, which was embodied

[1] Mansi, t. viii. pp. 640–648; Hardouin, t. ii. pp. 1074–1082. On the order of precedence in the African Church, cf. Norisii *Opp.* ed. Baller. t. iv. p. 1027 sqq.

in the Acts, Archbishop Boniface expressed his displeasure with Liberatus, who had disquieted the monks, and had refused to recognise the privileges of the see of Carthage, and ordered the reading of all the letters relating to this controversy. The first of these, an earlier letter of Abbot Peter to Archbishop Boniface, explained the nature of the special business. So long as there was no bishop at Carthage on account of the persecution, the monks had requested the primate of the province of Byzacene, who was near to them, to ordain one of their number as an ecclesiastic for the needs of the monastery. This was done, and from this Liberatus had now inferred that the monastery was subject to him, whilst it was only in the archbishop of Carthage that they recognised their spiritual superior.

The second document was the letter from Liberatus to Archbishop Boniface of Carthage, presented at the Synod of Junca, which has been mentioned above (sec. 236), and in which the assurance is given that full ecclesiastical liberty prevailed in the province of Byzacene. On this followed, as third document, the answer which Boniface had then given to Liberatus and to the Council of Junca. After a very courteous introduction, Liberatus is exhorted to put away everything which might interrupt the peace of the Church, and then it is definitely declared that it was impossible to agree with what had been brought back, by word of mouth, by the deputies from the Synod of Junca, or to alter the old Church laws (*i.e.* in reference to the rights of the see of Carthage). At the close the time for the next Easter festival (for A.D. 524) is given.

The fourth document is again a letter of Abbot Peter and his monks to Archbishop Boniface, composed probably about the same time, when the Synod of Junca had sent their deputies to Carthage with verbal messages (also in reference to the monastery in question). In this letter was set forth again the wrong done by Liberatus, and the principle asserted that the monastery whose monks were born in all parts of Africa, and also in lands beyond the sea, should not be subjected to one single bishop, nor the monks be treated by him as though they were his own clergy. Besides, Abbot Peter

brought forward two passages from Augustine, a letter of the earlier primate of the province of Byzacene, and the decree of the Synod of Arles of the year 455 (on the dispute about jurisdiction between Bishop Theodore of Fréjus and Abbot Faustus of Lérins) in proof that convents of monks and nuns were not subject to the nearest bishop, but had been free.

Here end the minutes of our Synod: the rest are wanting, and we know only, in addition, from a Lombardian Codex in the Vatican Library, that this decree was drawn up: That all monasteries for the future shall, as hitherto, *a conditione clericorum omnibus modis*, be free and independent.[1] Some notes on the close of our Synod are also given by the universal Council of Carthage of A.D. 535. See below, sec. 248.

Sec. 239. *Synod at Carpentras*, A.D. 527.

In the subscription of Archbishop Cæsarius of Arles, the President of the Synod of *Carpentoractum in Gallia Narbonensis*, this assembly is expressly ascribed to the consulate of Mavortius, *i.e.* to the year 527 A.D. and the 6th of November.[2] Mansi (*l.c.* p. 710) conjectured that it was originally put *P. C. Mavortii*, *i.e.* after the consulate of Mavortius, and then the year 528 would have been meant. His chief reasons are: (*a*) The Synod of Carpentras ordained that in the following year, again on November 6, a new Synod should be held at Vaison. Since this latter, as we shall see further on, decidedly belongs to the year 529, that of Carpentras must be assigned to 528. (*b*) Moreover, in the year 528 the 6th of November fell upon a Monday (in the year 527, on the contrary, as we add, on a Saturday),[3] and it was the ancient practice to open Synods on a Monday and not on a Saturday

[1] Mansi, t. viii. pp. 648–656; Hardouin, t. ii. pp. 1082–1090. The expression "to be free *ab omni conditione clericorum*," is translated by Remi Ceillier (t. xvi. p. 679) by "free from their jurisdictions." So Richard, *Analysis Concil.* t. i. p. 507.

[2] Mansi, t. viii. pp. 708 and 709, note 1; Sirmond, *Concilia Galliæ*, t. i. pp. 212 and 604; Hardouin, t. ii. p. 1095.

[3] In the year 587, Easter fell on April 4, so that November 6 was a Saturday. Cf. Weidenbach, *Calendarium Hist.-Christianum*, 1855, pp. 86 and 41.

(or to hold, for the Synod of Carpentras lasted scarcely longer than one day, as they drew up only one canon).

We hold these arguments to be lacking in force, since it was in no way the universal rule to open Synods on a Monday; on the contrary, the ancient ordinances on this point fix a definite *day of the month*, which might fall upon the most different days of the week (cf. c. 7 of the Synod of Macon, A.D. 578). Moreover, we must not forget that many ecclesiastical assemblies were held, not at the time originally fixed, but often at a considerably later time; and to suppose that this was the case at the Synod of Vaison is more probable than the violent altering of the date for that of Carpentras.

The only canon of this Synod has reference to the securing of the revenues of the rural churches, in opposition to the bishops. In this canon it is said: A complaint has been made, that some bishops give up to the parishes only little, or nothing at all, of what the faithful have contributed to them. Therefore it is decreed: If the church in the bishop's city is sufficiently endowed, then anything which has been presented to the parishes must be expended for the clergy who serve in them, or for the repair of these churches. If however, the bishop's church has too slender revenues, then there shall be left for the rural parishes and the maintenance of their buildings only so much as is sufficient; and the bishop may appropriate what is over for himself. Only he must not diminish the revenues (*facultatula*)[1] of the clergymen (in the parish) or the service of the church (so also the number of the clergy). Finally, it was decreed that, in the following year, on November 6, a Synod should again be held, and at Vaison.

These minutes are subscribed by sixteen bishops, Cæsarius (of Arles) at their head, almost all with the addition *Peccator*, and without calling themselves bishops. Besides, the Synod addressed a letter to Bishop Agrœcius of Antipolis (Antibes), who had appeared neither personally nor by a plenipotentiary, although he had been required to give an account of an ordination in which he had violated the third canon of the recent Synod at Arles (sec. 237) which had been

[1] Cf. Du Cange, *Glossar. s.v.* facultaticula.

subscribed by his own representative. For this reason he must not celebrate Mass for a year in accordance with the ordinance of Arles. This letter was also subscribed by all the sixteen bishops, this time with the addition of their title, but without naming their sees.[1]

Sec. 240. *Synod at Dovin, in Armenia*, A.D. 527.

The Theatine Clemens Galanus, celebrated for his protracted missionary activity in the East, as well as for his *Historia Armena ecclesiastica et politica* (1650), in this work gives an account of an Armenian Synod which the Catholicus Nerses of Aschtarag held, in the year 536, with ten bishops in the Armenian city Thevin (more correctly Dovin). At this Synod the doctrine of one nature in Christ was declared; the Council of Chalcedon, which the Armenians hitherto had recognised was rejected, and the Armenian schism begun.

This relation of Galanus was followed by all the older scholars, particularly by Pagi (*ad ann.* 535, n. 13) and Mansi (t. viii. p. 871), until the famous Armenian national history by Tschamtschean appeared at Venice in the year 1785. In the second volume of this work (p. 237 sqq., and p. 527) a very complete account of our Synod is given, and a quantity of older notices relating to it collected. It is shown that the rejection of the Council of Chalcedon in question did not proceed from this Synod, but from other Armenian Synods. So early as the year 491, at the Synod held at Walarschapat under the Catholicus Babgen, the opposition of the Armenians to the Chalcedonian faith had begun; whilst the schism was not completed until the year 596 by a later Synod at Dovin under the Catholicus Abraham. Tschamtschean also removes our Synod to the year 527, and gives us the substance of thirty-eight canons there passed:[2]—

[1] Mansi, t. viii. p. 708 sqq.; Hardouin, t. ii. p. 1095 sq.; Sirmond, *l.c.*; *Histoire littéraire de la France*, t. iii. p. 144.

[2] For this notice, and the following summary of the thirty-eight canons on Dovin, I am indebted to the kindness of my friend Dr. Welte, and the notice of the Synod of Feyin or Foyin (a misprint for Devin or Dovin) in the first edition of the *Kirchenlexicon* must be corrected in accordance with this account.

1. Gifts for priests must be brought into the church, and not into the house of any priest.

2. The priests must receive these gifts and presents without selfishness at the sacrifice of the Mass.

3. Church property must not be given out on interest.

4. Simony is forbidden, and a layman may not exercise ecclesiastical functions.

5. Bigamous servants of the Church are to be deposed, and must receive no income from the Church.

6. Priests who do not officiate on festivals shall be deprived of their income for that day.

7. Priests must not, on account of the poverty of their Church, lessen the communion chalice.

8. Nor must they use new wine at the communion.

9. The curtain of the tabernacle must not be brought into the house of a bride or a bridegroom.

10. Priests must not give baptismal water to other people, especially not to women, for the baptism of children.

11. Among priests the oldest according to ordination has the precedence.

12. Without a priest the other servants of the Church must not celebrate divine service.

13. A priest must not wear secular clothes, particularly not the clothes of a soldier.

14. The gifts of the Church shall be distributed according to a rule. Priests shall have two parts, deacons a part and a half, the inferior servants of the Church and widows (if they are needy) one part.

15. The furniture of the church shall be preserved by the archpriest. He must live in the church.

16. Baptism is to be administered in the church, and only in case of necessity in the house.

17. At baptism, married women may not assist as deaconesses.

18. No deacon may administer baptism without necessity.

19. No priest must receive money for the sacrament of penance.

20. A priest who violates the secrecy of confession must be anathematised.

21. There must be no common place of burial in the church.

22. Priests must not take interest.

23. The Agapæ destined for the poor may not be given away by the priests at their pleasure, but must be divided immediately among the poor in the presence of the givers.

24. No one must partake of anything before communion; and if the clergy know that anyone has already done so, he must not communicate him.

25. Children must wear no garland. (?)

26. A virgin and a widow must not be garlanded together.(?)

27. Priests must not at their own pleasure select the cattle which shall be given as sacrifices of compassion (for the clergy and the poor).

28. When such animals are presented, the priests must not keep them living, but must slay them, and divide them among the poor.

29. Everyone is required to keep the Lenten fast and other fasts.

30. On the great Sabbath of the kindling of lights (Saturday in Holy Week) no one must communicate before the sacrifice of the Mass.[1]

31. Laymen must not put forth orders in opposition to the ordinances of the priests.

32. No priest must be found intoxicated or carousing; nor may he have a female slave purchased with money, and make profit by her prostitution.

33. No woman shall visit a monastery for men, either to bake bread or to milk the cows, or for any kind of business whatever.

34 Anchorites must return to their cells before the setting of the sun.

35. Monks must not pass the night in the houses of

[1] Easter Eve is called the Sabbath of the kindling of lights, because on this day new light was kindled in the Church, and fire and tapers were consecrated. It was common on this day to give to the newly-baptized catechumens the communion immediately after their baptism and before the Mass—which is here forbidden. Moreover, since the Mass on Easter Eve was celebrated towards evening, here and there the custom might creep in, that many should communicate before Mass; for it was required that *all* should communicate on this day. Cf. Binterim, *Denkwürdigkeiten*, Bd. v. Thl. i. S. 225, 228.

people of the world, but, when possible, always in a monastery; and when none is accessible, with the archpriest of the place.

36. Monks must not carry on trades, nor keep houses and the like.

37. No one shall harbour heretics in his house.

38. In every month there shall be a fast-day on a Saturday.

Sec. 241. *Second Synod of Toledo*, A.D. 527 *or* 531.

In many manuscripts of the old collections of canons the Synodus Toletana II. is found with the superscription: *Sub die xvi. Kalendas Junias anno quinto regni domini nostri Amalarici regis æra* 565. As we know, the Spanish era begins from the year 38 before Christ; and therefore the year 565 of this chronology is identical with 527 of the Dionysian. Baronius (*ad ann.* 531, n. 12 sqq.) and Pagi (*ad ann.* 531, n. 9) thought, in respect to this matter of the era, that an ancient clerical error had been made in the date of the Synod, and that we should remove it to 531, because in the superscription the fifth year of King Amalaric is expressly named. From this they assumed that the regnant years of Amalaric were numbered from the death of his grandfather and guardian; and as he, the East Gothic King Theoderic the Great, died in the year 526, the fifth year of Amalaric could be no other than 531 of our era. In opposition to this the Spanish scholars, Aguirre, Ferreras, and Florez thought they could reconcile the two statements of the superscription,—the year 565 of the Spanish era and the fifth year of Amalaric,—since Theoderic the Great laid down the guardianship of his grandson in the year 523, and therefore the regnant years of the latter must have been counted from 523.[1] In this case his fifth year agrees with our year 527. I have no doubt that this suggestion is the correct one, and that the second Synod of Toledo ought accordingly to be assigned to May 17, 527; but one of the principal reasons which the Spanish scholars adduce is, in my judgment,

[1] Aguirre, *Concil. Hisp.* t. i. p. 267; Ferreras, *Hist. of Spain*, ii.; Florez, *España Sagrada*, t. ii. p. 192, and t. vi. p. 130 sqq.

quite invalid. In order to show that in Spain, in ancient times, the reign of Amalaric was actually dated from the year 523, they appeal to Ildefonsus of Toledo, who, in his treatise, *De Scriptoribus ecclesiasticis*, on Archbishop Montanus of Toledo, who presided over our Synod, says: "He ruled the Church of Toledo for nine years (522–531) under King Amalaric." Ildefonsus, however, says only: "He was famous in the time of Amalaric, and held his post for nine years,"[1] from which we cannot draw their conclusion.

Entirely without foundation, and long ago refuted by Pagi (*l.c.*), was the supposition of Baronius, that the second Synod of Toledo was held, not under Amalaric, but under his successor Theudis. The latter, during the minority of Amalaric, was raised by Theoderic the Great to be Viceroy or Governor of Spain, and early showed little fidelity, so that, in great measure from dislike to him, Theoderic so soon laid down his guardianship. Soon Theudis wanted to rise higher. Amalaric had married the Frankish Princess Clothilde, but persecuted her on account of her religion to such an extent that her brother, the Merovingian King Childebert of Paris (a son of Chlodwig), made war upon his brother-in-law. Amalaric here lost his life; and as he died childless, the West Goths now elected Theudis for their king.[2] Immediately after this elevation of Theudis, Baronius thinks, our Synod was held; but, in the first place, the accession of Theudis happened in the year 532,[3] and besides, King Amalaric is expressly mentioned, not only in the superscription of the synodal Acts, but also in the text, after canon 5.

There were present at Toledo, under the presidency of the Metropolitan Montanus, seven other Spanish bishops: Nebridius of Egara, Justus of Urgelis, Pangarius, Cannonius, Paulus, Domitian, and Maracinus. The sees of the last five are unknown. Of Maracinus it is added, that he resided at Toledo as an exile. By whom and for what reason he was banished is not said. The assembly declared the permanent validity of the older Church ordinances, and decreed anew as follows:—

1. Those who, as children, were dedicated by their

[1] In Fabricii *Bibliotheca Eccles.* p. 62 (of the second series of side numbers).
[2] Ferreras, *l.c.* 200 and 208. [3] Ferreras, *l.c.* 216, 219.

parents to the clerical office shall, soon after receiving the tonsure, or after admission to the office of lector (instead of ministerio *electorum*, we must certainly read *lectorum*), be instructed by one set over them in a building belonging to the Church, under the eyes of the bishop. If they have reached the age of eighteen, the bishop should ask them whether they wish to marry. If they choose celibacy, and vow its observance then shall they be dedicated to the sweet yoke of the Lord, at twenty years of age as subdeacons, and, if they are worthy, as deacons after the completion of their twenty-fifth year. Yet care must be taken that they do not, unmindful of their vow, contract matrimony, or practise secret cohabitation. If they do this, they must, as guilty of sacrilege, be excommunicated. If, however, at the time that the bishop asks them they declare their intention to enter into matrimony, the permission granted by the apostle (1 Cor. vii. 2, 9) shall not be withheld from them. If in more advanced years they, as married, with the consent of the other partner, take a vow of abstinence from the works of the flesh, then they may rise to the sacred offices.—Taken into the *Corpus jur. can.* c. 5, Dist. xxviii.

2. If anyone is thus educated from his youth for one church, he must not go even to another, and no strange bishop must receive such an one.

3. No cleric, from a subdeacon onwards, may live along with a woman, be she free, freed, or a slave. Only a mother, or a sister, or a near relation is allowed to take care of his house. If he has no near relation, then the woman who takes care of the house must live in another house, and under no pretext enter his dwelling. Whoever acts in opposition to this shall not only lose his clerical office and the doors of the church be closed, but he shall be excluded from the communion of all Catholics, of laymen also, even from speech with them.

4. If a cleric has laid out, on ground belonging to the Church, vineyards or small fields for his own sustenance, he may retain them to the end of his life, but then they fall to the Church; and he must not dispose of them by testament to anyone, unless the bishop allows it.

5. No Christian is allowed to marry a blood-relation.

At the close, the observance of these canons is declared to be the duty even of those bishops of the province who were not present. Archbishop Montanus is requested to give early notice of each new Synod, and long life is wished to King Amalaric.[1]

As a kind of appendix to this Synod, the Collections of Councils add two letters of Archbishop Montanus. The first, addressed to the faithful of the district of Palentia, blames the priests there, that they ventured themselves to consecrate the chrism. Such encroachments were forbidden, even in the Old Testament, and it was ordained by the synodal canons that the *parochienses presbyteri* (this expression occurs here for the first time) should either personally, or through the *Rectores Sacrariorum*,[2] but not through less important persons, annually request the chrism from the bishop. He further complains that several of these priests had invited quite strange bishops for the consecration of churches, and that, in word and deed, they had supported the Priscillianist heresy.[3]

The second letter of Archbishop Montanus presents several difficulties.[4] That Theoribius, or Turibius, to whom it is addressed, was a distinguished man, is clear from the titles which Montanus gives him: *Domino eximio præcipuoque Christicolæ, Domino et filio.* The context of the letter also shows that formerly, as a secular person, he had held a high office, probably that of governor, and in this position he had, in his district, completely put down the still existing heathenism, and also had greatly weakened the Priscillianist sect, on which account Montanus gives him praise. Subsequently Turibius abandoned the world, as is indicated by the words in the letter: *Cum adhuc floreres in seculo*; and as Ferreras, in his *History of Spain* (vol. ii. sec. 252 sqq.), expressly

[1] Mansi, t. viii. p. 784 sqq.; Hardouin, t. ii. p. 1139 sqq.; Gonzalez, *Coleccion de Canones de la iglesia Española*, Madrid 1849, t. ii. p. 202 sqq.; Gams, *Kirchengeschichte von Spanien*, 1864, Bd. i. S. 446 ff.

[2] The *Rector Sacrarii* is the cleric appointed to be custos of the church. Cf. Du Cange, *Glossar. s.v.* Sacrarium, t. vi. p. 35.

[3] Mansi, t. viii. p. 788 sqq.; Hardouin, t. ii. p. 1142; Gonzalez, *l.c.* p. 208 sqq.; Gams, *l.c.* S. 449.

[4] Mansi, t. viii. p. 790; Hardouin, t. ii. p. 1144; Gonzalez, *l.c.* p. 211 sq.

asserts. He was indeed one of the principal promoters of Monasticism in Spain, and founder of the monastery of S. Toribio, on the northern coast of Spain, in the province of Burgos. The high regard in which, for this reason, he was held procured for him great influence, and this explains how Archbishop Montanus should call upon him to use his influence, as that of a *Severissimus sacerdos*, in order to put a stop to the irregularity of the priests in Palentia with regard to the chrism. Montanus then further discusses, in an obscure manner not quite intelligible to us,[1] the second point of complaint against the people of Palentia in regard to the calling in of strange bishops. Turibius seems to have upheld this irregularity, on which account Montanus threatens to bring an accusation against him before the King and (the Governor) Erganes. This last part of the letter agrees little with the courtesy of the first half.

Sec. 242. *Second Synod at Orange, and Synod at Valence*, A.D. 529.

One of the most important Synods of the sixth century was the *Arausicana Secunda*, which was held July 3, 529, at Orange (*Arausio*), in Southern Gaul. Occasion for it was given by the consecration of a church newly built at Orange by the Præfectus Prætorio for Gaul, Liberius. Under the imitation of this highly distinguished man, Archbishop Cæsarius of Arles, and the Bishops Julian, Constantius, Cyprian, Eucherius, a second Eucherius, Heraclius, Principius, Philagrius, Maximus, Prætextatus, Alethius, Lupercianus, and Vindemialis assembled at Orange. The sees of these fourteen bishops are not mentioned. Cæsarius, who first subscribed the minutes, added to his subscription the following chronological note: *Decio Juniore V. C. Consule.* This points to the year 529, and shows that Baronius and many of the older scholars had been quite mistaken in removing our Synod to the times of Leo the Great.[2] At that

[1] Cf. Gams, *l.c.* S. 450 sq.

[2] Cf. Noris, *Historia Pelagiana*, lib. ii. c. 33; Sirmond, *Concil. Galliæ*, t. i. p. 605: and the notes of Binius in Mansi, t. viii. p. 720.

time, as we know, Hilary occupied the see of Arles, and Cæsarius was not yet born.

The inaccuracy of that earlier assertion is plain from this, that the Prætorian Prefect Liberius founded the new church at Orange, and joined in subscribing the minutes of the Synod. This man also belongs to the sixth century, and was appointed by the East Gothic King Theoderic the Great as his Viceroy over the most recently annexed parts of Gallia Narbonensis.[1] He discharged his office also under Theoderic's successor and grandson Amalaric, and to his kingdom Orange belonged at the time of our Synod. Felix IV. at that time sat on the papal throne. In the preface to the minutes the bishops state that they had assembled into a Synod on the occasion of the consecration of that church; and that, on account of those who did not think rightly on the subject of grace and free will (the Semipelagians), at the exhortation of the apostolic see they had received and subscribed some *Capitula* sent to them by this see. These were collected from the books of the holy Fathers, and were quite adopted for the instruction of the erring. Therefore it was necessary that those who hitherto had not had the true faith respecting grace and free will should, after the perusal of these *Capitula*, turn their heart to the Catholic faith.[2]

Archbishop Cæsarius of Arles, like Faustus of Riez and other Semipelagians, had been formerly a monk in the monastery at Lérins; but he held it for his sacred duty to oppose the Semipelagian heresy, which extended more and more after the death of Faustus (493); therefore he wrote, for the defence of the Augustinian doctrine, his once famous work, *De Gratia et libero Arbitrio*, a refutation of the work of Faustus with the same title. Pope Felix IV. commended the work of Cæsarius in a special brief, and endeavoured to circulate it. In spite of this it is lost.[3] Cæsarius also acquainted the Pope with the doings of the Semipelagians

[1] See above, sec. 237; and Sirmond, *Concil. Galliæ*, t. i. p. 604, in the notes to the fourth Synod of Arles; cf. the notes *b* and *c* of Binius, in Mansi, t. viii. p. 720.

[2] Mansi, t. viii. p. 712; Hardouin, t. ii. p. 1007.

[3] Noris, *Hist. Pelag.* lib. ii. c. 22.

in Gaul, and asked him for his assistance in suppressing the error. In his answer Pope Felix IV. sent him a number of *Capitula*, which were borrowed, some more, some less, literally from the writings of Augustine (and partly also of Prosper); but which were characterised by the Synod in the Præfatio as propositions of the *antiqui patres*, because Leo I., Pope Gelasius, Prosper of Aquitaine, and others had put forth the same statements and propositions as Augustine, often with literal uniformity.[1]

From what books of Augustine the particular *Capitula* of our Synod were taken, is a question which has been examined with great industry by Binius and others, particularly the monks of S. Maur in their edition of S. Augustine (where they have also in vol. x. printed the *Capitula* of Orange). In almost all cases they have found the passages.[2] In the minutes of our Synod twenty-five such *Capitula* are found; it must, however, remain undecided whether the whole of these in their completeness had come from Rome, or whether the Synod may have omitted anything, or added anything of its own. A Codex, formerly belonging to the Benedictine monastery of S. Maximus at Trier, contains nineteen *Capitula Sancti Augustini* professing to be sent from Rome, which are generally identical with those of Orange, and may possibly be a copy of the original which came from Rome.[3]

The high importance of the Chapters of Orange makes it desirable to append the original Latin text to the outline of the contents of each number. This is done in Sirmond, *Concilia Galliæ*, t. i. p. 216 sqq.; Hardouin, t. ii. p. 1098 sqq.; Mansi, t.

[1] Noris, *l.c.* ii. c. 23.

[2] In Mansi, t. viii. p. 721, and Hardouin (t. ii. p. 1098 sqq. in the margin), as well as in the Benedictine edition of S. Augustine, the passages in question from S. Augustine, and from the sentences of Augustine collected by Prosper, are often given incorrectly. A more accurate reference is here added to each *Capitulum*. The Ballerini maintain, in their edition of the Works of Cardinal Norris (t. iv. p. 889), that eight chapters of Orange are taken from the Epistle of Augustine to Vitalis, more exactly from the 12 *Sententiæ contra Pelagianos* contained in it (Epist. 217, c. 5. Earlier, Epist. 107, in Migne, t. ii. p. 984). But between the one and the other there is no such literal agreement as between other passages of Augustine and the Synod of Orange.

[3] Reprinted in Mansi, t. viii. p. 722; Hardouin, t. ii. p. 1102. Cf. the *Observatio Philippi Labbei* in Mansi, *l.c.*

viii. p. 712 sqq.: Bruns, *Bibliotheca Ecclesiastica*, vol. i. pt. ii. p. 177 sqq.; and in the tenth volume of the Benedictine edition of St. Augustine, ed. Migne, t. x. p. 1785 sqq., and ed. Gaume, t. x. p. 2447 sqq.

It is further to be remarked that the Council of Trent made large use of the canons of Orange in its canons *De Justificatione*.

1. The sin of Adam has injured not only the body, but also the soul of man.

Si quis per offensam prævaricationis Adæ non totium, id est secundum corpus et animam, in deterius dicit hominem commutatum, sed animæ libertate illæsa durante corpus tantummodo corruptioni credit obnoxium, Pelagii errore deceptus adversatur Scripturæ dicenti: *Anima quæ peccaverit ipsa morietur* (Ezech. xviii. 20); et: *Nescitis quoniam cui exhibetis vos servos ad obediendum, servi estis ejus cui obeditis?* (Rom. vi. 16); et: *A quo quis superatur, ejus et servus addicitur* (2 Pet. ii. 19).

The like is found in Augustine, *De Nuptiis et Concupiscentia*, lib. ii. c. 34; ed. Migne, t. x. p. 471.

2. The sin of Adam has injured not only himself but his posterity; and not merely the death of the body, but also sin, the death of the soul, has by one man come into the world.

Si quis soli Adæ prævaricationem suam, non et ejus propagini asserit nocuisse, aut certe mortem tantum corporis, quæ pœna peccati est, non autem et peccatum quod mors est animæ, per unum hominem in omne genus humanum transiisse testatur, injustitiam Deo dabit, contradicens apostolo dicenti: *Per unum hominem peccatum intravit in mundum et per peccatum mors, et ita in omnes homines mors pertransit, in quo omnes peccaverunt* (Rom. v. 12).

The like is taught by Augustine, *Contra duas epistolas Pelagianorum*, lib. iv. c. 4; ed. Migne, x. 612 sqq.

3. Grace is not only granted when we pray for it, but grace itself works in us to pray for it.

Si quis ad invocationem humanam gratiam Dei dicit posse conferri, non autem ipsam gratiam facere ut invocetur a nobis, contradicit Isaiæ prophetæ vel apostolo idem dicenti: *Inventus sum a non quærentibus me; palam apparui his qui me non interrogabant* (Isa. lxv. 1; Rom. x. 20).

4. God does not wait for our desire to be cleansed from

sin, but He works this desire in us Himself by means of His Spirit (cf. Kuhn, "The Natural and the Supernatural," in the *Tübing. Theol. Quartalschrift*, 1864, S. 293 sq.).

Si quis ut a peccato purgemur voluntatem nostram Deum exspectare contendit, non autem ut etiam purgari velimus, per Sancti Spiritus infusionem et operationem in nos fieri confitetur, resistit ipsi Spiritui Sancto per Salomonem dicenti: *Præparatur voluntas a Domino*,[1] et Apostolo salubriter prædicanti: *Deus est qui operatur in vobis et velle et perficere pro bona voluntate* (Phil. ii. 13).

5. As the growth, so also the beginning of faith, the disposition for faith, is wrought by grace, and is not in us by nature. Were this faith naturally in us, then all who are not Christians would necessarily be believers.

Si quis sicut augmentum, ita etiam initium fidei ipsumque credulitatis affectum, quo in eum credimus qui justificat impium, et ad generationem sacri baptismatis pervenimus, non per gratiæ donum, id est per inspirationem Spiritus Sancti corrigentem voluntatem nostram ab infidelitate ad fidem, ab impietate ad pietatem, sed naturaliter nobis inesse dicit, apostolicis dogmatibus adversarius approbatur, beato Paulo dicenti: *Confidimus quia qui cœpit in vobis bonum opus, perficiet usque in diem Domini nostri Jesu Christi* (Phil. i. 6); et illud: *Vobis datum est pro Christo non solum ut in Eum credatis, sed etiam ut pro Illo patiamini* (Phil. i. 29); et: *Gratia salvi facti esti per fidem, et hoc non ex vobis; Dei enim donum est* (Eph. ii. 8). Qui enim fidem qua in Deum credimus dicunt esse naturalem, omnes eos qui ab Ecclesia Christi alieni sunt, quodammodo fideles esse definiunt.

This is the principal content of cc. 1–9 of Augustine's treatise, *De Prædestinat. Sanctorum*, ed. Migne, t. x. p. 959 sqq.

6. It is not correct to say that the divine mercy is imparted to us when we (by our own strength) believe, knock, etc. Rather it is divine grace which works in us, so that we believe, knock, etc. Grace not merely helps the humility and obedience of man, but it is the gift of grace that he is humble and obedient.

[1] Prov. viii. 35. According to the text of the LXX.: καὶ ἑτοιμάζεται θέλησις παρὰ κυρίου. The Hebrew and the Vulgate give quite a different meaning.

Si quis sine gratia Dei credentibus, volentibus, desiderantibus, conantibus, laborantibus, vigilantibus, studentibus, potentibus, quærentibus, pulsantibus nobis misericordiam dicit conferri divinitus, non autem ut credamus, velimus vel hæc omnia sicut oportet agere valeamus, per infusionem et inspirationem Sancti Spiritus in nobis fieri confitetur, et aut humilitati aut obedientiæ humanæ subjungit gratiæ adjutorium, nec ut obedientes et humiles simus ipsius gratiæ donum esse consentit, resistit apostolo dicenti: *Quid habes quod non accepisti?* et: *Gratia Dei sum quod sum* (1 Cor. iv. 7).

Cf. Augustine, *De Dono Perseverantiæ*, c. 23, n. 64, ed. Migne, t. x. p. 1302; and Prosper, *Contra Collatorem*, c. 2, n. 6 (*ib.* p. 1804).

7. Without grace, and merely from natural powers, we can do nothing which belongs to eternal salvation; neither think nor will in a proper manner (*ut expedit*), nor consent to the preaching of the gospel.

Si quis per naturæ vigorem bonum aliquid, quod ad salutem pertinet vitæ eternæ, cogitare ut expedit aut eligere, sive salutari, id est, evangelicæ prædicationi consentire posse confirmat absque illuminatione et inspiratione Spiritus Sancti, qui dat omnibus suavitatem in consentiendo et credendo veritati, hæretico fallitur spiritu, non intelligens vocem Dei in evangelio dicentis: *Sine me nihil potestis facere* (Joann. xv. 5), et illud Apostoli: *Non quod idonei simus cogitare aliquid a nobis, quasi ex nobis, sed sufficientia nostra ex Deo est* (2 Cor. iii. 5).

Cf. Augustine, *De Gratia Christi*, lib. i. c. 26; ed. Migne, t. x. p. 374.

8. It is not correct to say that some attain to the grace of baptism by the mercy of God, others by their own free will, which was weakened by Adam's sin.

Si quis alios misericordia, alios vero per liberum arbitrium, quod in omnibus qui de prævaricatione primi hominis nati sunt constat esse vitium, ad gratiam baptismi posse venire contendit, a recta fide probatur alienus. Is enim non[1] omnium

[1] In Mansi and Hardouin *non* is lacking, whilst Sirmond found it in his MSS. The connection demands the negative, as the following sentence shows that it is the Semipelagian error and not the Church doctrine which is here in question.

liberum arbitrium per peccatum primi hominis infirmatum, aut certe ita læsum putat, ut tamen quidam valeant sine revelatione Dei mysterium salutis æternæ per semetipsos posse conquirere. Quod quam sit contrarium ipse Dominus probat, qui non aliquos, sed neminem ad se posse venire testatur nisi quem Pater attraxerit (Joann. vi. 44), sicut et Petro dicit: *Beatus es, Simon Barjona, quià caro et sanguis non revelavit tibi, sed Pater meus qui in cœlis est* (Matt. xvi. 17); et Apostolus: *Nemo potest dicere* Dominum *Jesum nisi in Spiritu Sancto* (1 Cor. xii. 3).

The like is found in Prosper, *Contra Collatorem*, c. 5, n. 13; c. 13, n. 38; and c. 19, n. 55, in the *Responsio* to the sixth Definition of Cassian (in Migne's ed. of S. Augustine's Works, t. x. pp. 1807, 1818, and 1829).

9. All good thoughts and works are the gift of God.[1]

Divini est muneris cum et recte cogitamus, et pedes nostros a falsitate et injustitia continemus; quoties enim bona agimus, Deus in nobis atque nobiscum ut operemur operatur.

This is verbally identical with the twenty-second *Sententia* in S. Prosperi *Sententiæ ex Augustino delibatæ*, in the Works of St. Augustine, ed. Migne, t. x. p. 1861.

10. Even the saints need divine aid.

Adjutorium Dei etiam renatis ac sanctis semper est implorandum, ut ad finem bonum pervenire vel in bono possint opere perdurare.

Prosper maintains the like against Cassian in his treatise *Contra Collatorem*, c. 11, n. 31–36, especially n. 34; Migne, *Opp. S. Augustini*, t. x. p. 1815 sqq.

11. We can vow nothing to God but what we have first received from Him.

Nemo quidquam Domino recte voveret, nisi ab Ipso acciperet quod voveret, sicut legitur: *Quæ de manu tua accepimus damus Tibi* (1 Chron. xxx. 14).

Taken from Augustine, *De Civ. Dei*, lib. xvii. c. 4, n. 7 (ed. Migne, t. vii. p. 530), and forms the 54th sentence in Prosper, see above, c. 9.

[1] From c. 9 onwards the numbers have no longer the form of canons, but of propositions.

12. What in us is loved by God is God's own gift.

Tales nos amat Deus, quales futuri sumus Ipsius dono, non quales sumus nostro merito.

This is the 56th Sentence in Prosper. See c. 9.

13. The free will weakened in Adam is restored only by the grace of baptism.

Arbitrium voluntatis in primo homine infirmatum nisi per gratiam baptismi non potest reparari; quod amissum, nisi a quo potuit dari, non potest reddi, unde Veritas ipsa dicit: *Si vos filius liberaverit, tunc vere liberi eritis* (Joann. viii. 36).

Taken from Augustine, *De Civ. Dei*, lib. xiv. cc. 11, n. 1 (ed. Migne, t. vii. p. 418). It is also the 152nd Sentence in Prosper. Cf. c. 9.

14. One who is unhappy can be delivered from his misery only by prevenient divine grace.

Nullus miser de quacumque miseria liberatur, nisi qui Dei misericordia prævenitur, sicut dicit Psalmista: *Cito anticipent nos misericordiæ Tuæ, Domine* (Ps. lxxviii. 8); et illud: *Deus meus, misericordia Ejus prævenient me* (Ps. lviii. 11).

The 211th Sentence in Prosper.

15. The condition of Adam appointed by God was changed by sin: the condition of man brought about by sin is changed in the faithful by the grace of God.

Ab eo, quod formavit Deus, mutatus est Adam, sed in pejus per iniquitatem suam; ab eo, quod operata est iniquitas, mutatur fidelis, sed in melius per gratiam Dei. Illa ergo mutatio fuit prævaricatoris primi, hæc secundum psalmistam *Mutatio est dexteræ excelsi* (Ps. lxxvi. 11).

From Augustine, *Enarratio in Ps. lxviii.* Sermo i. n. 2 (ed. Migne, t. iv. p. 841). It is also the 225th Sentence in Prosper.

16. All that we have is the gift of God. If anyone fails to recognise in any good, that he has it from God, either he has it not, or it will be taken from him.

Nemo ex eo, quod videtur habere, glorietur tanquam non acceperit, aut ideo se putet accepisse, quia litera extrinsecus vel ut legeretur apparuit, vel ut audiretur sonuit. Nam sicut Apostolus dicit: *Si per legem justitia, ergo Christus gratis mortuus est* (Gal. ii. 11). *Ascendens in altum captivam duxit captivitatem, dedit dona hominibus* (Eph. iv. 8). Inde habet

quicunque habet; quisquis autem se inde habere negat, aut vere non habet, aut id quod habet aufertur ab eo.

Taken from Augustine, *De Spiritu et Litera*, c. 29 (Binius, Hardouin, and the Benedictines give by mistake c. 28), ed. Migne, t. x. p. 231. It is also the 259th Sentence in Prosper.

17. That which makes the heathen strong is worldly desire; that which makes Christians strong is the love of God shed abroad in our hearts by the Holy Ghost.

Fortitudinem gentilium mundana cupiditas, fortitudinem autem Christianorum Dei caritas facit, quæ diffusa est in cordibus nostris non per voluntatis arbitrium quod est a nobis, sed per Spiritum Sanctum qui datus est nobis.

From Augustine, *Op. Imp. contra Julianum*, lib. i. c. 83 (ed. Migne, t. x. p. 1104). It is also the 295th Sentence in Prosper.

18. Unmerited grace goes before the most meritorious works.

Nullis meritis gratiam prævenientibus, debetur merces bonis operibus, si fiant; sed gratia quæ non debetur præcedit ut fiant.

From Augustine, *Op. Imp. contra Julianum*, lib. i. c. 133 (ed. Migne, t. x. p. 1133). The 297th Sentence in Prosper.

19. Even if human nature had still the integrity in which it was created, it yet could not preserve itself without the aid of the Creator. If, however, it is unable without grace to preserve the safety which it has obtained, much less can it regain that which was lost.

Natura humana, etiamsi in illa integritate, in qua est condita, permaneret, nullo modo seipsam, creatore suo non adjuvante, servaret; unde cum sine Dei gratia non possit custodire quam accepit, quomo sine Dei gratia poterit reparare quod perdidit?

From Augustine, *Epist.* 186, c. 11, n. 37 (formerly *Epist.* 106, 11). The 308th Sentence in Prosper.

20. God works much good in man which man does not work; but man works no good the performance of which God does not enable him to do.

Multa Deus facit in homine bona, quæ non facit homo;

nulla vero facit homo bona, quæ non Deus præstat ut faciat homo.

From Augustine's treatise, *Contra duas Epistolas Pelagianorum*, lib. ii. c. 9 (not 8, as the Benedictines say by mistake), n. 31 (ed. Migne, t. x. p. 586). The 312th Sentence in Prosper.

21. The law does not justify, and grace does not consist, as some maintain, in the natural dispositions of man. The law was there, and did not justify; nature was there, and did not justify. But Christ has died to fulfil the law, and to restore the nature which was ruined through Adam.

Sicut iis, qui volentes in lege justificari et a gratia exciderunt, verissime dicit apostolus: *Si ex lege justitia est, ergo Christus gratis mortuus est* (Gal. ii. 31); sic iis qui gratiam, quam commendat et percipit fides Christi, putant esse naturam, verissime dicitur: Si per naturam justitia est, ergo Christus gratis mortuus est. Jam hic enim erat lex, et non justificabat; jam hic erat et natura, et non justificabat. Ideo Christus non gratis mortuus est, ut et lex per illum impleretur qui dixit: *Non veni legem solvere, sed adimplere* (Matt. v. 17); et natura per Adam perdita per illum repararetur, qui dixit venisse se, quærere et salvare quod perierat.

Taken from Augustine, *De gratia et libero arbitrio*, c. 13 (ed. Migne, t. x. p. 896). The 315th Sentence in Prosper.

22. That which man has of his own is only falsehood and sin. What he possesses in truth and righteousness he has from God.

Nemo habet de suo nisi mendacium et peccatum; si quid autem habet homo veritatis atque justitiæ, ab illo fonte est, quem debemus sitire in hac eremo, ut ex eo quasi guttis quibusdam irrorati non deficiamus in via.

From Augustine, *Tractat. V. in Joann.* n. 1 (Migne, t. iii. p. 1414). The 323rd Sentence in Prosper. This *Capitulum* seems, at first sight, to be identical with the propositions of Bajus, rejected by Pius v. and Gregory xiii., No. 25: Omnia opera infidelium sunt peccata et philosophorum virtutes sunt vitia, and No. 27: Liberum arbitrium sine gratiæ Dei adjutoria nonnisi ad peccandum valet. The *Capitulum* 22 of our

Synod, together with the similar statements of Augustine and Prosper, has therefore become a real *crux* of the theologians, and for centuries not a few have exercised much acuteness in reconciling the statement of Augustine and of our Synod with the dogma: that even in fallen man freedom to do good is not entirely annihilated, and that there is a twofold moral good, the natural and the supernatural. All these attempts have been set forth and criticised of late by Johann Ernst in his treatise on "the works and virtues of the unbelieving according to S. Augustine (with an Appendix on canon 22 of *Arausicanum* II.), Freiburg: Herder, 1871."

One of the most admissible hypothesis devised by Ripalda, approved by Klentgen, Berlage, Schwan, and others, goes thus: "There are in the *present state of the world* only two kinds of human works, the morally bad and the *supernaturally* good. *Naturally* good works, which certainly might lie between these, there are none, as the natural moral powers of man are never left by God Himself, but in every moral activity are supported by God's grace. Where, then, the natural powers (the *Suum*, as the Synod says) *alone* of man are in play, then the product is the opposite of morality, namely, sin and falsehood." Ernst, however, rejects also this manner of explanation, and understands the statement of Augustine and of the Synod in the following manner: "God has placed before man a *supernatural* goal, eternal blessedness. By the sin of Adam man is deprived of this destiny and gift which had been willed by God, died to it, and therefore nothing which fallen man can now accomplish in moral relation can have any real value before God" (p. 225), that is, it cannot gain for man eternal blessedness. These so-called naturally good works of the *infideles*, which are ineffectual for blessedness, are designated by Augustine and our Synod as *peccata*, and we can only ask whether these are merely *peccata materialia* (*ob defectum ordinis in finem debitum et ob carentiam perfectionis debitæ*), and such as could not be reckoned to the *infideles* as involving guilt, or whether Augustine and our Synod ascribed to them a real character of guilt, and regarded them as *peccata* in the full sense of the word. The former view is taken by Passaglia and Hunter, the latter by Ernst,

on the ground that God makes it possible for everyone to give a higher character to his moral endeavours, and to impress upon them the stamp of the higher supernatural morality, which, however, the *infideles* do not will. (See Ernst, *l.c.* S. 130, 197–201, and 215.)

23. When man does evil, he fulfils his own will; but if he does good, he fulfils the will of God, yet with free will.

Suam voluntatem homines faciunt, non Dei, quando id agunt quod Deo displicet; quando autem id faciunt quod volunt ut divinæ serviant voluntati, quamvis volentes agant quod agunt, illius tamen voluntas est, a quo et præparatur et jubetur quod volunt.

From Augustine, *Tractat. XIX. in Joann.* n. 19 (ed. Migne, t. iii. p. 1555). The 338th Sentence in Prosper, not the 336th as the Benedictines say, and, after them, Migne.

24. He who has Christ in him and remains in Christ, advantages only himself thereby, and not Christ.

Ita sunt in vite palmites, ut viti nihil conferant, sed inde accipiant unde vivant; sic quippe vitis est in palmitibus, ut vitale alimentum subministrat iis, non sumet ab iis. Ac per hoc et manentem in se habere Christum et manere in Christo, discipulis prodest utrumque, non Christo. Nam præciso palmite potest de viva radice alius pullulare; qui autem præcisus est sine radice non potest vivere.

From Augustine, *Tractat. LXXXI. in Joann.* n. 1 (ed. Migne, t. iii. p. 1841). The 366th (not 364th) Sentence in Prosper.

25. The love of God is itself a gift of God.

Prorsus donum Dei est deligere Deum. Ipse ut deligeretur dedit, qui non dilectus diligit. Displicentes amati sumus, ut fieret in nobis unde placeremus. Diffundit enim caritatem in cordibus nostris Spiritus Patris et Filii, quem cum Patre amamus et Filio.

From Augustine, *Tractat. CII. in Joann.* n. 5 (ed. Migne, t. iii. p. 1898). The 370th (not 368th) Sentence in Prosper.

After drawing up these twenty-five chapters or canons, the Synod composed its own confession on the doctrine of

grace in a kind of creed, which contains the five following points in opposition to the Semipelagians:[1]—

(*a*) By the sin of Adam, free will is so weakened that henceforth no one can love God in a suitable manner, believe

[1] This epilogue runs: Ac sic secundum suprascriptas sanctarum Scripturarum sententias vel antiquorum patrum definitiones hoc Deo propitiante et prædicare debemus et credere, quod per peccatum primi hominis ita inclinatum et attenuatum fuerit liberum arbitrium, ut nullus postea aut diligere Deum sicut opportuit, aut credere in Deum, aut operari propter Deum quod bonum est possit, nisi eum gratia misericordiæ divinæ prævenerit. Unde et Abel justo et Noe et Abrahæ, et Isaac et Jacob et omni antiquorum patrum multitudini illam præclaram fidem, quam in ipsorum laude prædicat Apostolus Paulus, non per bonum naturæ quod prius in Adam datum fuerat, sed per gratiam Dei credimus fuisse collatam. Quam gratiam etiam post adventum domini omnibus qui baptizari desiderant, non in libero arbitrio haberi, sed Christi novimus simul et credimus largitate conferri, secundum illud quod sæpe jam dictum est et quod sæpe jam dictum est et quod prædicat Paulus apostolus: *Vobis donatum est pro Christo non solum ut in eum credatis, sed etiam, ut pro illo patiamini* (Phil. i. 29); et illud: *Deus qui cœpit in vobis bonum opus, perficiet usque in diem domini nostri Jesu Christi* (Phil. i. 6); et illud: *Gratia salvi facti estis per fidem, et hoc non ex vobis, dei enim donum est* (Eph. ii. 8); et quod de se ipso ait apostolus: *Misericordiam consecutus sum, ut fidelis essem* (1 Cor. vii. 25); non dexit *quia eram* sed *ut essem*; et illud: *Quid habes quod non accepisti?* (1 Cor. iv. 7); et illud: *Omne datum bonum et omne donum perfectum desursum est, descendens a patre luminum* (Jac. i. 17); et illud: *Nemo habet quidquam nisi illi datum fuerit desuper* (Joann. iii. 27). Innumerabilia sunt sanctorum scripturarum testimonia quæ possunt ad probandam gratiam proferri sed brevitatis studio prætermissa sunt, quia et revera cui pauca non sufficiunt plura non proderunt. Hoc etiam secundum fidem Catholicam credimus, quod accepta per baptismum gratia omnes baptizati, Christo auxiliante et co-operante, quæ ad salutem animæ pertinent, possint et debeant, si fideliter laborare voluerint adimplere. Aliquos vero ad malum divina potestate prædestinatos esse non solum non credimus, sed etiam si sunt qui tantum malum credere velint, cum omni detestatione illis anathema dicimus. Hoc etiam salubriter profitemur et credimus, quod in omni opere bono non nos incipimus et postea per Dei misericordiam adjuvamur sed ipse nobis nullis præcedentibus bonis meritis et fidem et amorem sui prius inspirat, ut et baptismi sacramenta fideliter requiramus, et post baptismum cum ipsius adjutorio ea quæ sibi sunt placita implere possimus. Unde manifestissime credendum est quod et illius latronis, quem dominus ad paradisi patriam revocavit, et Cornelii centurionis ad quem angelus Domini missus est, et Zacchæi qui ipsum dominum suscipere meruit, illa tam admirabilis fides non fuit de natura, sed divinæ largitatis donum. Et quia definitionem antiquorum patrum nostramque, quæ suprascripta est, non solum religiosis, sed etiam laicis medicamentum esse et desideramus et cupimus, placuit, ut eam et illustres ac magnifici viri, qui nobiscum ad præfatam festivitatem convenerunt, propria manu subscriberent.—On this Appendix to the twenty-five chapters, cf. Norris, *Historia Pelag.*, lib. ii. c. 23, in the collective edition of the Works of Cardinal Noris, 1729, t. i. p. 524.

in Him, or act for God's sake, unless grace has first come to him. Thus that glorious faith of Abel, Noah, Abraham, Isaac, and other ancient Fathers, on account of which the apostle praises them, was imparted to them, not *per bonum naturæ*, which was, in the beginning, given to Adam, but by the grace of God. (The direct contrary of this had been taught by Faustus.)

(*b*) All, however, are able, after they have received grace through baptism, with the co-operation of God, to accomplish what is necessary for the salvation of their soul.

(*c*) It is in no way our belief that some are predestinated by God to evil (predestinarian heresy); rather, if there are any who believe a thing so evil, we, with horror, say anathema.

(*d*) In every good work the beginning does not come from us; but God, without any previous merits on our side, inspires us with faith and love, so that we seek for baptism, and after baptism can, with His assistance, fulfil His will.

(*e*) Since this doctrine of the Fathers and of the Synod is wholesome for laymen also, the distinguished members of the laity, who have been present at the solemnity, should also subscribe. In consequence of this invitation, besides the bishops, also the Præfectus Prætorio Liberius and seven other *viri illustres*[1] subscribed.

From a letter of Pope Boniface II. to Archbishop Cæsarius of Arles,[2] we see that the latter, as president of the Synod of Orange, after the end of it, sent the abbot and priest Armenius to Rome, and, among other things, gave him a letter to his friend Boniface, a cleric of high position there, in order that the latter might procure from Pope Felix a definite confirmation of the Synod, as desired by Cæsarius. In the meantime, however, Felix had died, and Boniface himself had become Pope, as the second of that name. He did not fail to fulfil the desire of Cæsarius at once by means of the letter referred to. This is dated *viii. Kal. Febr. Lampadio et Oreste V. C.*

[1] Cf. note 9 of Sirmond, and the notes *c* and *cc* of Vinius in Mansi, t. viii. p. 720 sq.

[2] Mansi, t. viii. p. 735 sqq.; Hardouin, t. ii. p. 1109; Sirmond, *Concil. Galliæ*, t. i. p. 223; and in the tenth volume of the Benedictine edition of S. Augustine, ed. Migne, t. x. p. 1790; ed. Gaume, t. x. p. 2455.

Coss., that is, January 25, 530. As, however, Felix IV. did not die until September 18, 530, it is impossible that the date of this letter should be genuine, and as Pagi (*ad ann.* 530, n. 6, and 529, n. 11) supposes, must have been arbitrarily added *a sciolo quopiam.* Sirmond (*l.c.* p. 605) supposed that we ought to read, *Post Consulatum Lampadii*, etc., *i.e.* A.D. 531; but Pagi thinks, and not unreasonably, that if Boniface had been elected in September 530 (Pagi, *ad ann.* 530, n. 4), he could hardly have put off the answer to Cæsarius into the January of the following year, as he says himself in this letter: "*Catholicum non* distulimus dare responsum" (Pagi, *ad ann.* 529, n. 11). Accordingly, as the Benedictine editors of the *Concil. Galliæ* opine, instead of *viii. Kal. Febr.*, we should read *Decembres* or *Novembres* of the year 530.[1] Another way was taken by Cardinal Noris (*Hist. Pelag.* ii. 23), by the assumption that Felix IV. had died in September 529; and the Ballerini defended this view in their edition of the works of the cardinal. Noris, *Opp. Omnia*, t. i. p. 528, and t. iv. p. 932.

Pope Felix, in this letter, expresses himself quite decisively against the Semipelagian contention that many a man, even without the divine grace (*prævenient*), could of himself come to faith in Christ, and then says: *Quapropter affectu congruo salutantes* suprascriptam confessionem vestram consentaneam catholicis *patrum regulis approbamus.* There may be a question whether he meant by this the whole minutes of Orange, or only the confession of faith appended to the twenty-five chapters. In the expression *confessio* there lies no necessity for thinking only of the latter; for, in fact, the whole forms a kind of confession of faith, and the epilogue, which has specially this form, is by itself nothing independent, no conclusive creed, but in its very first words represents itself as belonging to the twenty-five chapters. It is quite true that the Pope, in his answer, chiefly makes reference to this epilogue, and weaves into his own letters such Bible passages as are also found in the epilogue (1 Cor. vii. 25 and Phil. i. 29); but immediately afterwards he adduces the words of Christ in S. John xv. 5, and indeed as quoted by

[1] Cf. Jaffé, *Regesta Pontif*, 1851, p. 72.

the Fathers at Orange, although this is found not in the epilogue, but in chapter 7. So also he repeats the passages, Prov. viii. 35, Ps. lviii. 11, which occur in chapters 4 and 14.

It is customary to assign the Synod of *Valence* to the same year (529) as that of Orange, or to the following year (530). The Acts of this Synod are lost, and we have no information respecting it but that which is contained in the life of S. Cæsarius, by his disciple, the deacon Cyprian. In this it is said: "Many stood up against the doctrine of grace taught by Cæsarius, and by a false apprehension of it there arose in Gaul an evil suspicion against the doctrine of the man of God. On this account the bishops beyond the Isère, in Valentia (Valence), came together. On account of sickness, Cæsarius was unable himself to be present, although he wished to be; but he sent some bishops, priests, and deacons as deputies, and among them, in particular, the celebrated Bishop Cyprian of Toulon. The latter showed, at the Synod, from passages of the Bible and of the holy Fathers, that no man could make progress in divine things by himself alone, and without *gratia præveniens*. For the perusal of the Synod, the man of God (Cæsarius afterwards) furnished the complete array of proofs from the apostolic tradition. Pope Boniface, after he had learnt of the controversy, rejected the opinions of the opponents, and confirmed, by apostolic authority, the judgment (*prosecutio*)[1] of Cæsarius."[2]

Noris (*Hist. Pelag.* ii. 23), Pagi (*ad ann.* 529, n. 8 sqq.), and all the other writers represent the matter as though the Synod of Orange had not at once attained to full recognition in Gaul, and that Cæsarius had, for that reason, summoned a new and larger Synod at Valence. But, in the first place, the original documents say not a word of Cæsarius having summoned the Synod; on the contrary, he appears rather to have been invited to it; and this must be right, for Valentia

[1] On the expression *prosecutio=sententia*, cf. Du Cange, *Glossar. s.v.*

[2] The narrative of the deacon Cyprian is in Mansi, t. viii. p. 723; Hardouin, t. ii. p. 1103. Still better (avoiding the misprint *solicitans* for *solitæ*), in the tenth volume of the Benedictine edition of S. Augustine, ed. Gaume, p. 2458, ed. Migne, p. 1792; and in Noris, *Hist. Pelag.* lib. ii. c. 23, p. 528, t. i. *Opp. Omnium.*

belonged, not to the ecclesiastical province of Arles, but to that of Vienne, as we saw above (sec. 211) from the decisions of Popes Leo I. and Hilary, who assigned the suffragan bishopries of Valence, Tarantaise, Geneva, and Grenoble to the metropolitan see of Vienne. Valence, however, lies on the boundary between the country on this side and on the other side of the Isère, and when the deacon Cyprian, who lived with Cæsarius of Arles, says that the bishops *ultra Isaram* had come to Valence, and also Cæsarius had sent deputies thither, the result comes out. The bishops of Gallia Viennensis and Lugdunensis, living on the other side, that is, on the north of the Isère, on account of the prevailing doctrinal controversies, determined to unite in a great Synod with the bishops on the south of the Isère, and for this purpose selected Valence, which was peculiarly suitable for such a common assembly. Ecclesiastically it belonged to the north of the Isère, the province of Vienne, but in geographical position to the south of the Isère, lying near its junction with the Rhone.

In the second place, we find in our original documents not the slightest justification of the assumption that the Synod of Valence was held *after* that of Orange. The deacon Cyprian does not indicate the latter (at least as Noris, Pagi, and the rest understood him); and it is a mere assumption on their part when they place the Synod of Valence after that of Orange. The reverse seems to me to be the truth, and I believe it possible to verify this by reference to the original documents. They relate that, when the doctrine of Cæsarius came into suspicion, the bishops assembled at Valence; but his doctrine was in suspicion with the Semi-pelagians for a considerable time before the Synod of Orange. The first thing that happened after the origin of the suspicion was the assembly at Valence. After this was ended, Cæsarius furnished the proof for the true doctrine from tradition, and Pope Boniface confirmed this. When the Synod of Orange, under the presidency of Cæsarius, verified the true doctrine from the writings of Augustine, and Pope Boniface confirmed the decrees of Orange, I suppose that the biographer Cyprian (our authority) had understood by the proof which Cæsarius

furnished nothing else but the decrees of the Synod of Orange, and that this accordingly took place later than that of Valence.—After this exposition of our views, we must regard the attempt of Pagi (*ad ann.* 529, n. 10) to assign the Synod of Valence to the year 530 as radically a mistake.

Sec. 243. *Second Synod at Vaison*, A.D. 529.[1]

The Synod at Carpentras had ordained that, on November 6 of next year, a new assembly should take place at Vaison (*in vico Vasensi*) (see sec. 239). It was attended by eleven or twelve bishops, and on the *Nones* of the month of November, A.D. 529, that is, on November 5, it was opened and closed.[2] As Vaison is an episcopal city in the province of Arles, Archbishop Cæsarius took the presidency, and this four months after the holding of the celebrated second Synod of Orange. The assembly at Vaison, as is said in the preface to the minutes, had no other aim than to keep alive love and harmony among the bishops, and to recall back to remembrance the ancient ordinances of the Church. There was no contested matter to be decided. After the reading of the ancient canons, they were contented to draw up five new ones, from which they expected a beneficent effect on the life of the Church. They are, moreover, of different meaning. The first was very important for the future education of the clergy, the second for the improvement and the universal introduction of preaching, the fourth for the maintenance of a close union with Rome. The two others refer to special points in worship:—

1. All priests in the parishes must, as is already the very wholesome custom in all Italy, receive the younger unmarried lectors into their house, and instruct them in the

[1] If it is called by some, *e.g.* Binius, the third Synod of Vaison, this is done with reference to Baronius's mistaken notion of a *Concilium Vasense*, A.D. 325 (*ad ann.* 325, n. 177).

[2] Remi Ceillier (t. xvi. p. 591) and Richard (*Analysis Conciliorum*, t. i. p. 515) place it, by mistake, on the 7th of November. The president of the Synod says quite expressly in his subscription: *Die Nonas Novbr. Decio juniore C. V. Consule.* The *Nones* of some months (*O M M J*) fall certainly on the 7th, but those of November on the 5th.

singing of psalms (*psalmos parare*),[1] in the Church lessons, and in the law of the Lord, so that they may have able successors. If, however, such a lector shall afterwards desire to marry, the permission must not be refused him.

2. Not only in the cities, but also in all rural churches, the priests may preach. If the priest is hindered through sickness, a deacon should read a homily by a Father of the Church.

3. As in Rome, in the East, and in Italy, so also in our churches the *Kyrie Eleison* must be frequently sung, for the awaking of penitence, as well at matins as at Mass and vespers. Moreover, at all Masses, as well at early Masses[2] as at those during Lent and the Masses for the dead, the *Tersanctus* should be said, as in the public Masses.

4. The name of the Pope of the period should be read aloud in the churches (in the diptychs, or in the corresponding part of the liturgy).

5. As at Rome, and in the East, and in all Africa and Italy, on account of the heretics who deny the eternity of the Son of God (Arians), in all the closing forms after the Gloria there is added, *Sicut erat in principio*; so must it be also in all our churches.[3]

Gratian, in his *Decret.* c. 15, C. xiii. q. 2, brings forward another canon belonging to the *Concilium Varense or Vasense*, which forbids surplus fees for funerals. This, however, certainly belongs to the *Concilium Namnetense* in the ninth century, and will hereafter meet us as the 6th canon of that Synod.[4]

[1] *Parare* in this sense is not found in Du Cange, *Glossar.* Yet he suggests (t. v. pp. 164 and 166) that *parare=metare.*

[2] We have already seen (secs. 219 and 222) that *Missa matutina* and *vespertina* are often taken as identical with matins and vespers. In the canon before us, on the contrary, the *Missa matutina* is to be understood as a real Mass in the present meaning of the words, and the *Missa matutinalis* early Mass, in distinction from the principal service, or the solemn Mass, *Missa publica.* Cf. Du Cange, *Glossar.* s.v. *Missa matutinalis publica* and *quadragesimalis*, t. iv. pp. 821, 823, and 824.

[3] Mansi, t. viii. p. 725 sqq.; Hardouin, t. ii. p. 1105 sq.; Sirmond, *Concil. Galliæ*, t. i. p. 225.

[4] Printed in Hardouin, t. vi. pt. i. p. 458.

Sec. 244. *Synods at Rome, Larissa, and Constantinople,* A.D. 531.

Pope Boniface II., to whom we have already frequently referred, had come into possession of the Roman see not without violent contests. After the death of his predecessor, Felix IV., two parties stood over against each other. The one chose Dioscurus, and consecrated him in the Basilica of Constantine (Lateran Church); the other elevated Boniface to the throne, and consecrated him in the Basilica Julii.[1] Occasion for this schism was given by the endeavour of the East Gothic Arian King Athalaric, in understanding with a portion of the clergy, to get possession of the Roman see in a manner as arbitrary as his grandfather Theoderic the Great had done at the elevation of the previous Pope, Felix IV. Probably another part of the Roman clergy opposed him in this, and thus gave occasion for the schism. Whether Boniface or Dioscurus was protected by the King, cannot any longer be decided. I suppose, however, the former, since the name of his father, Sigisbold or Sigisvult,[2] shows that he belonged to the Gothic nation, and because the King, after the death of the anti-Pope, made no attempt to put another in his place. Pagi (*ad ann.* 530, n. 5) shows that Felix IV. died September 18, 530, and that Boniface was elected only three days later. We have already seen that others prefer 529. The schism lasted twenty-nine days; that is, until the death of Dioscurus, on October 14, put an end to it. The latter had by simony and such like means made himself a party;[3] for this reason the Roman Senate made a decree, that for the future every papal election should be altogether invalid, if the elect, either in his own person or by others, had made promises to anyone.[4]

[1] Pope Julius had erected two basilicas, the one near the Forum, the other on the Flaminian Way. Cf. Baronius, *ad ann.* 352, n. 4.

[2] This name we learn from Anastasius, or the *Liber Pontificalis*, to which we are indebted for this intelligence. Printed in Mansi, t. viii. p. 729. Cf. Baronius, *ad ann.* 529, n. 2.

[3] This is clear also from a later letter of the Emperor Justinian to Pope John; cf. Mansi, t. viii. p. 731, Nota *d.*

[4] Cassiodor. *Variar.* lib. 9, ep. 15; also in Baronius, *ad ann.* 529, n. 4.

From this time Boniface was no longer annoyed by any opponent; and as the Gothic King made no endeavour to set up any other in opposition to him, but, on the contrary, spoke of him with the most respectful expressions,[1] and did not prevent him from treating his former opponents with harshness, this is a strong proof of our supposition that Boniface had, at the beginning, been set up by the King. The pontifical book does not conceal that this Pope now went to work very violently, and *zelo et dolo ductus, cum grandi amaritudine* brought back the clergy to obedience. An edict, in which he pronounced anathema on his former opponent Dioscurus, was placed by him in the archives of the church, and he demanded of the whole assembled clergy the subscription of this document. According to the words of the pontifical book, which are by no means clear, none of the bishops gave their signature; in the biography of Pope Agapetus, on the contrary, the same pontifical book says that Boniface, by violence and uncanonically, extorted the anathema on Dioscurus from the bishops and priests, but that Agapetus, at his accession to office (A.D. 535), had this document burnt publicly in the church.[2]

In the short period of the reign of Pope Boniface, there fell three Roman and several other Synods. The first Roman Synod he got together in the Basilica of S. Peter with the aim of preventing, at future papal elections, the renewal of troublesome occurrences, such as had happened at his own, perhaps also in order to take the appointment to the Roman see out of the hands of the heretical Gothic Kings. He presented here a *constitutum*, which granted him the right to nominate his own successor; and after the *sacerdotes* had subscribed it, and sworn to observe it, he declared the deacon Vigilius his successor, at the grave of S. Peter. This was in opposition to the ancient laws of the Church, and met with much opposition, undoubtedly also from the Gothic King. The Pope himself, moreover, soon regretted his action, and therefore he assembled a second Roman Synod, at which the *sacerdotes*, out of respect for the Holy See, quashed (*cassaverunt*, not *censuerunt*) what had been done, and Boni-

[1] Cf. Baronius, *l.c.*

[2] In Baronius, *ad ann.* 531, n. 3.

face, in presence of the *Sacerdotes* (the bishops of the *ecclesiæ suburbicariæ*, see vol. i. p. 397), probably because he had opposed the pretensions of the East Gothic King in regard to the papal election.[1] Both Synods undoubtedly belong to the year 531.

About the same time two Greek Synods were held at Larissa and Constantinople. After the death of the Metropolitan Proclus of Larissa in Thessaly, Stephen, hitherto a layman and a warrior, had been elected in his place by the people and clergy, and all whose assent was necessary (so he says himself). In accordance with ancient custom, there assembled at Larissa, for his ordination, a provincial Synod, at which the well-to-do burgesses of the city were also present, and all the clergy. But the priest Antonius, and the bishops Demetrius of the Island of Sciathus and Probian of Demetrias, although they had themselves subscribed the document for the ordination of Stephen, and Probian had even delivered a laudatory speech about him, immediately betook themselves to Constantinople, and made complaints before the Patriarch Epiphanius, that the ordination of Stephen was uncanonical, and that another bishop must be appointed.

The Patriarch hereupon sent an edict to Larissa, in which he ordered Stephen to lay down his office, because he had been consecrated in opposition to the canons. He offered no proof of this, nor did he invite Stephen to offer a canonical defence. On the contrary, he interdicted the bishops of Thessaly and the clergy of Larissa from Church communion with Stephen, and forbade his receiving sustentation from the property of the Church. He treated him accordingly as a person already convicted, before having first instituted an inquiry. For the publication of this sentence he commissioned a certain Andrew (a cleric of Constantinople), who met Stephen, not at Larissa, but in Thessalonica, whither he had travelled, and where he read to him the letter of the Patriarch of Constantinople. Stephen immediately declared that he appealed to the Pope, to whom alone, if his election was to be objected to, the trial of the case belonged. But he

[1] Our authority for these two Synods is the *Liber Pontificalis*, in Mansi, t. viii. pp. 729 and 737; Baronius, *ad ann.* 531, n. 1 and 2.

was against his will brought to Constantinople, and would there have been kept in chains, if some persons had not become responsible for him and his appearance at the residence. In this necessity he turned, by writing, to the Pope, and besought him in a very copious letter, full of the recognition of the Roman primacy, for support and deliverance.[1]

In a second letter to the Pope, he informs him that after his arrival in Constantinople, the Patriarch had immediately held a *σύνοδος ἐνδημοῦσα*. Before this Stephen said he had declared his appeal to Rome, with the addition that the custom which had hitherto prevailed in the province of Thessaly should not be overthrown; nor must the consideration of the apostolic see, imparted by Christ and the holy canon, and preserved *per antiquam consuetudinem*, be violated. The Patriarch, he said, had paid no attention to this, and his principal aim had been to set himself forth as master and judge of the Churches of Thessaly. The Synod of Constantinople had pronounced his deposition without allowing him a complete defence, and his appeal to Rome had only more increased the hatred against him. They had reproached him with having attempted to diminish the rights of the holy Church of the chief city. At the reading of the synodal sentence, however, he had declared his appeal, but was immediately conducted back to prison, and now earnestly prayed for help.[2]

The Patriarch did all in his power to prevent the complaints of Stephen from coming to Rome; but Bishop Theodosius of Echinus, a suffragan of Larissa, succeeded in getting to Italy, and conveyed the complaints of Stephen and of other bishops, with other documents bearing upon the subject. Hereupon Boniface held his third Roman Synod, December 7, 531, *in consistorio B. Andreæ apostoli.* This was a building adjoining—a kind of secretarium—to S. Peter's Church.[3] Under the presidency of the Pope, there were

[1] Mansi, t. viii. p. 741 sq.; Hardouin, t. ii. p. 1111 sq.

[2] Mansi, t. viii. p. 745 sq.; Hardouin, t. ii. p. 1115 sq.

[3] Cf. Du Cange, *s.v. Consistorium*, and the notes of Lucas Holstenius on our Synod, in Mansi, t. viii. p. 774.

present the Bishops Sabinus of Canusium, Abundantius of Demetrias, Carosus of Centumcellæ, and Felix of Numentum, with many priests and deacons. The Archdeacon Tribunus announced that Bishop Theodosius of Echinus was at the door, and prayed to be admitted. When this was granted, Theodosius handed in the documents of his Metropolitan Stephen of Larissa, which he had brought with him. After, at the command of the Pope, the first of these, directed to the Holy See, had been read, Abundantius rose, and remarked that twice in this document Probian was mentioned as bishop of Demetrias; while, in truth, he had obtained this see only by violence and deceit, and that Abundantius himself was its rightful possessor. The Pope ordered that both the letter of Stephen and the statement of Abundantius should be received into the minutes; and then permitted the reading of the second letter, also addressed to him by Stephen. We have already known this, and after it had been embodied in the Acts, the first session closed, as it was towards evening.

The second session took place on the 9th of December. Theodosius of Echinus presented a third letter, which had emanated from three of Stephen's suffragan bishops, and in which they gave the Pope an account of all that had taken place, and earnestly besought his help. These were the Bishops Elpidius of Thebæ Phthioticæ, Timothy of Diocæsarea, and Stephen of Lamia. Thereupon Theodosius of Echinus remarked that the Bishop of Rome had by right a claim to the primacy over all Churches in the whole world, but he had specially vindicated the Churches of Illyria for his government,[1] as was proved by a series of ancient documents which he had brought with him. The Pope ordered them to be read, and an examination to be made as to whether they agreed with those contained in the Roman archives, and were genuine. There were twenty-six letters, almost all from Popes—from Damasus, Siricius, Innocent I., Boniface I., Cœlestine I., Xystus III., and Leo the Great; besides some letters from the Emperors Honorius, Theodosius, Valentinian

[1] On the relation of Illyria to Rome, cf. Le Quien, *Oriens Christianus*, t. ii. p. 5 sqq.; *De dioeces Illyr.* sec. vi. sqq.; and Wiltsch, *Kirchl. Geographie u. Statistik*, Bd. i. S. 72 sqq.

III., and Marcian, as well as from Archbishop Anatolius of Constantinople, all from the middle of the fourth to the middle of the fifth century. All these letters are found in the minutes of the Synod;[1] but here they end, and all the rest is so completely lost, that we do not know at all what the Synod finally decreed,

SEC. 245. *The Religious Conference at Constantinople*, A.D. 533, *and the alleged Roman Synod under Pope John* II.

In the short account given above of the Monophysite heresy (sec. 208) we noticed a religious conference, which the Emperor Justinian held in the year 533 at Constantinople, between the orthodox and the Severians. The monk Severus, one of the leading opponents of the Council of Chalcedon, had, in the year 513, under the Emperor Anastasius, who was favourable to the Monophysites, been raised to the patriarchal see of Antioch. Although again deposed, after a few years, under the Emperor Justin I. he yet remained the most important man among the Monophysites, and their most copious writer, and a special division among them received from him the name of Severians. In order to bring about, if possible, a union of this party with the Church, the Emperor Justinian called together, some years after his ascension of the throne, six peculiarly able bishops of the orthodox—Hypatius of Ephesus, John of Vesina, Stephen of Seleucia, Anthimus of Trapezunt, Innocent of Maronia in Thrace, and Demetrius of Philippopolis; and, on the other side, seven leaders of the Severians—Sergius of Cyrus, Thomas of Germanicia, Philoxenus of Dulichium, Peter of Theodosiopolis, John of Constantina, and Nonnus of Ceresina,—and requested them to take counsel together, in peace and gentleness, on the points of difference in their faith. On account of sickness, Theodosius of Philippopolis was unable to appear.

As place of assembly the Emperor fixed a hall of the palace Heptatonchon Triclinion at Constantinople; and besides the bishops named there were also a good many priests and deputies of monks present. In order that he

[1] Mansi, t. viii. pp. 749–772; Hardouin, t. ii. pp. 1118–1140.

might not interrupt, the Emperor decided not to be personally present, but he appointed the high official of State, Strategius, to take his place.

We owe our knowledge of this conference to the fairly complete account which one of the orthodox members, Innocent of Maronia, gave to a friend, and which has come down to us in a Latin translation, which in many parts is faulty and defective.[1] The conference was opened on the first day by Strategius with an address to the Orientals (so the Monophysites were called), in which he invited them to bring forward, without contentiousness, their objections to the doctrine of the Synod of Chalcedon. The Orientals replied that they had transmitted their confession of faith to the Emperor in writing. As the orthodox had read this already, they now wanted, by some questions, to give their opponents an opportunity of more fully explaining themselves. Bishop Hypatius was their mouthpiece in this. To the question: "What do you hold concerning Eutyches?" the Orientals replied decisively: "He is a heretic, even a prince of heresy." On the other hand, they wanted to declare Dioscurus and the Robber-Synod as orthodox. In this Hypatius discerned a contradiction. The debate which arose over this question, of which our document contains but little, took up the whole session.

From the transactions of the second day, we see that the Orientals, at the close of the first, had made the admission, that it was not right that Dioscurus and his general Synod (the Robber-Synod) should have received Eutyches back into Church communion, and that, therefore, another general Synod, that of Chalcedon, had been obliged to correct that error. This the Orientals admitted also on the second day; but they reproached the Synod of Chalcedon for this innovation, that instead of ex *duabus naturis*, as Cyril and the old Fathers taught, they had put in *duabus naturis*, and had assumed the existence of two natures even after the union (of the Godhead and manhood). That, they said, was both new

[1] Printed in Mansi, t. viii. p. 817 sqq.; Hardouin, t. ii. p. 1159 sqq.; Baronius, *ad ann.* 532, n. 31 sqq. Cf. Walch, *Ketzerhist.* Bd. vii. S. 134 sqq. and 141 sq.

and erroneous. In proof of this they appealed to the writings of Cyril, Athanasius, etc., and of Dionysius the Areopagite,[1] which had all taught only *one* nature after the union.

The orthodox contended, on the contrary, that these writings had been falsified by the Apollinarists, just as the letter of Athanasius to Epictetus had been by the Nestorians. The alleged writings of Dionysius the Areopagite, in particular, were certainly not genuine, as none of the ancients referred to them, although Cyril and Athanasius and the Nicene Council could easily have used them. The Orientals replied, that even if all these writings were spurious, yet the twelve anathematisms of Cyril were genuine, and in these only one nature was taught. The Council of Chalcedon, however, had not received the writing of Cyril in which these anathematisms were contained, and so had altered the doctrine.[2] Hypatius replied: "The Synod of Chalcedon accepted on their side all the explanations of the faith approved at Ephesus in their entirety, and therefore it cannot be maintained that they had made an exception with the one in question, and had rejected it. But this one they had not quite expressly adduced, because therein Cyril speaks of two hypostases (in the sense of *natures*) in Christ, and they, in opposition to the Nestorians, asserted only one hypostasis in Christ (in the sense of *person*). In order to avoid misunderstanding, the Synod of Chalcedon had not expressly approved that writing of Cyril's."

The Orientals remarked that Cyril by the two hypostases had understood nothing else but the two natures, and Hypatius carried this correct view further out. But, in order to show the difference between "*from* two natures" and "*in* two natures," the Orientals contended that only when we say "from two natures" is the *one* nature of the incarnate Logos maintained, whilst by "*in* two natures" a duality of persons is indicated. The orthodox did not agree to this, but maintained that the Synod of Chalcedon had allowed both modes of speech; and even Flavian of Constantinople, who first condemned Eutyches, had spoken of "*one* incarnate

[1] This is the earliest mention of the writings of the pseudo-Dionysius the Areopagite.

[2] Cf. vol. iii. secs. 134, 189, 193.

nature of the divine Word." In proof, they read the confession of faith of this bishop (see vol. iii. sec. 174), and Hypatius thereupon proceeded as follows: "Although Flavian used the expression 'from two natures,' Dioscurus, nevertheless, so ill-treated him (at the Robber-Synod), that the Synod of Chalcedon saw from that, that not the confession of two natures would satisfy the Eutychians, but only the *confusa et commixta et imaginaria vel Manichæica unius naturæ confessio.* Therefore, for more exact definition, they had taught '*one* person and *one* substance *in* two natures.'"

The Orientals wanted to bring forward letters of Cyril in which he had expressly rejected the doctrine of two natures *after* the union; but Hypatius replied that, on the orthodox side only those letters of Cyril were recognised which were approved by Synods, the others were neither commended nor rejected; and from the approved letters of Cyril the proof was now brought forward, that he had taught an *inconfusa et indivisa duarum naturarum unitas.* As the opponents laid great weight upon other letters of Cyril, Hypatius proved that in these, as in many other patristic passages, and also in the Bible, the duality of nature was taught. The Orientals then went on to two new points, that through the recognition of the Council of Chalcedon many of the faithful had been vexed, and that Ibas and Theodoret had been, at Chalcedon, improperly restored to communion, and replaced in their offices. With the debate on this point the second session closed.

The third session was held by the Emperor himself in the presence of the Senate, after taking counsel on the subject with the Patriarch Epiphanius of Constantinople. When the session began, the patriarch withdrew, but the Emperor held a conference with both sides, which our document highly commends, but does not report. The Orientals had reflected on their opponents with the Emperor, as being unwilling to acknowledge that our Lord, who suffered in the flesh, was one of the Trinity, and that the miracles and the suffering of Christ belonged to one and the same person. On this point the Emperor questioned the patriarch who had now returned,

and Hypatius, and in their answer they clearly explained the true doctrine of the Church, namely, that the miracles and the sufferings certainly belonged to one person but to different natures, and that the suffering Christ in His Godhead was one of the Trinity, but in His manhood one of us. On a fourth day the Emperor again convoked the orthodox bishops in the presence of the Senate, and explained that of the Orientals only Bishop Philoxenus had attained to a better conviction through the three conferences, and had returned to the Church. Our informant adds that the Emperor exercised great patience with the other Monophysite bishops, and waited long for their conversion, but none of them returned to the Church. On the other hand, many of the clergy and monks who had attended the proceedings now received the right faith.

About the same time, on March 15, 533, the Emperor Justinian promulgated a law, in which he pointed out to his subjects the true faith in the sense of the Council of Chalcedon, and particularly laid stress upon the confession that the Lord who suffered on the cross was one of the Trinity.[1] At the same time it appeared to him necessary to obtain for this expression, then so much discussed, the papal approbation as well, particularly as the distinguished Akoimetæ monks rejected it, and even Pope Hormisdas, a short time before, had pronounced it useless and even dangerous (see vol. iii. sec. 208). Hormisdas did so, not because he found this formula erroneous in itself, but because the Monophysites then tried to shelter themselves behind it. Now, however, the state of the case was different. The formula was now opposed only by the Nestorians, and therefore it was in the interest of orthodoxy that Justinian requested its confirmation from the Pope, and John II. granted this with pleasure.[2] Baronius and others supposed that the Pope, with a view to this approval, summoned a Roman Synod, A.D. 534; but there is no mention

[1] The law is found in Greek and in Latin, in lib. 6, C. *De Summa Trinitate*; in Latin only in Baronius, *ad ann.* 533, n. 7.

[2] The Emperor's letter to the Pope, John's answer, and a further letter from him on this matter, are in Mansi, t. viii. p. 795 sqq.; Hardouin, t. ii. p. 1146 sqq.

of this in the original documents, and even in the letter of the Pope to the Senate, to which they refer, there is no word of a Synod.[1]

Sec. 246. *Synod at Marseilles on account of Bishop Contumeliosus*, A.D. 533.

The Acts of a Synod at Marseilles in the year 533 were discovered some decades back by Dr. Knust in the same codex of the Darmstadt Library in which he also found the minutes of a Synod nearly a hundred and fifty years earlier at Nimes (see vol. iii. sec. 110). Occasion for the Synod at Marseilles was given by several offences of Bishop Contumeliosus of Riez, of whom also three letters of John II. and one of Agapetus I. treat. We shall see below in what relation these four papal letters stand to our Synod. The minutes of the Synod run as follows:—

Constitutio Cæsarii Papæ in Massiliensi urbe habita episcoporum xvi.

Cum ad civitatem Massiliensem, propter requirenda et discutienda ea quæ de fratre nostro Contumelioso episcopo fuerant divulgata sacerdotes Domini convenissent, residentibus sanctis episcopis, cum grandi diligentia discussis omnibus secundum quod gesta, quæ nobis præsentibus facta sunt, continent multa turpia et inhonesta, supradictus Contumeliosus, convictus ore proprio, se confessus est perpetrasse; ita ut non solum revincere testes non potuerit, sed etiam publice, in conventu episcoporum et laicorum qui interfuerant in terram se projiciens clamaverit, se graviter in Deum et in ordine pontificali peccasse. Pro qua re, propter disciplinam catholicæ religionis, utile ac salubre omnibus visum est, ut supradictus Contumeliosus in Casensi monasterio, ad agendam pœnitentiam vel ad expianda ea quæ commiserat mitteretur; quam rem studio pœnitendi et ipse libenter amplexus est. Et quia multas domus ecclesiæ Regensis absque ratione contra

[1] Cf. Baronius *ad ann.* 534, n. 13 sqq.; Noris, *Diss in historiam controversiæ de uno ex Trinitate passo, Opp. Omnia*, t. iii. p. 862; Mansi, t. viii. p. 816; Walch, *Ketzerhist.* Bd. vii. S. 328, Anm. 3, and S. 314 ff.

canonum statuta sine concilio sanctorum antistitum perpetuo jure distraxit, hoc sanctis episcopis visum est, ut quidquid supradictæ ecclesiæ constiterit injuste ab ipso alienatum, facta ratione ad vicem de ejus substantia compensetur.

Cæsarius peccator constitutionem nostram religi et subscripsi. Not. sub die viii. Kal. Junias post consulatum tertium Lampadi et Orestis. Cyprianus (bishop of Toulon) peccator consensi et subscripsi. Prætextatus (bishop of Apt) peccator consensi et subscripsi. Eucherius (bishop of Avignon) peccator consensi et subscripsi. Prosper (bishop of Vence) peccator consensi et subscripsi. Herculius (bishop of S. Paul de trois châteaux) peccator consensi et subscripsi. Rusticus (perhaps bishop of Aire) peccator consensi et subscripsi. Pontadius peccator consensi et subscripsi. Maximus (bishop of Aix) peccator consensi et subscripsi. Porcianus (bishop of Digne), peccator consensi et subscripsi. Item, Eucherius peccator consensi et subscripsi. Aletius (bishop of Vaison) peccator consensi et subscripsi. Vindemialis (bishop of Orange) peccator consensi et subscripsi. Rodanius peccator consensi et subscripsi. Auxanius peccator consensi et subscripsi. Valentius Abba, directus a domno meo Fylagrio (bishop of Cavaillon) consensi et subscripsi.[1]

The president of this Synod was Archbishop Cæsarius of Arles, and from his subscription it appears that the assembly took place on the 25th of May 533.[2] Besides him there were fourteen bishops, and an abbot as the representative of his bishop, present. As far as the sees of the bishops can still be ascertained they are given. We learn from the minutes, (*a*) that the evil reports which were in circulation about Contumeliosus had occasioned the convoking of the Synod; and (*b*) that his offences were *turpia* (sins of the flesh), which comes out much more clearly in the appendix to the letter of the Pope to Cæsarius. (*c*) Moreover, he had seized Church property. (*d*) At the beginning of the Synod he was not prepared to confess, but he was convicted by witnesses, and

[1] Copied from the Freiburg *Zeitschrift für Theol.* Jahrg. 1844, Bd. xi. S. 471.

[2] Not on May 21, as is given by mistake in the Freiburg, *Zeitschrift*, S. 470.

now declared himself to be a great sinner (as it appears, only in general expressions). (*e*) The Synod condemned him to do penance in a monastery, for which he showed himself quite willing and ready. What was to happen to him after his penance was accomplished is not said. (*f*) For the damage which Contumeliosus had done to Church property, he was required to make return from his own property.

Let us now consider the three short letters of Pope John II. One is addressed to Archbishop Cæsarius of Arles, the second to the Gallic bishops generally, the third to the priests and deacons of Riez.[1] In two of these the date is given, April 7, 534; in the third, to Cæsarius, it is lacking. As, however, all the three letters have the same contents, and it is in itself probable that the Pope promulgated on one and the same day his decision to all the three parties concerned (the metropolitan, the comprovincials, and the clergy of Riez), we may assume that all the three letters were written at the same time, after the Synod of Marseilles, on April 7, 534. In all three it is said that Cæsarius and the other bishops had already given the Pope information respecting Contumeliosus. By this is undoubtedly meant the communication of the decree of their Synod. In all three letters the Pope orders, in similar terms, that the sinful bishop (*a*) should be banished to a monastery, (*b*) that he should be deposed. At the same time, (*c*) he names for the present supervision of the diocese of Riez a visitor, whose tenure of office should continue until the new occupancy of the see. Accordingly, the Pope goes further than the Synod had done. For if the Synod gave only one decision (with regard to the monastery), he adds two others. That these two points going beyond the Synod of Marseilles are contained also in the undated letter to Cæsarius, is a proof that we must not assume (as is done in the Freiburg *Zeitschrift*, *l.c.* S. 470), that this letter was written before our Synod, and had even occasioned its being convoked. As we know from other sources,[2] all the bishops of the province were not agreed that Contumeliosus should be deposed for ever; they rather wished

[1] Mansi, t. viii. p. 807 sqq.; Hardouin, t. ii. p. 1153 sqq.

[2] From the address of Cæsarius to his comprovincial bishops. See below.

that, after the penance had been done, he might be restored to his office. In reference to this, then, Cæsarius, who for himself, and rightly, was in favour of the severer view, allowed the decree of the Synod to be so drawn up that only the removal into a monastery was there ordered, whilst it was quite silent as to the deposition. Otherwise, perhaps, he would have attained to unanimity. That, however, which was wanting in the synodal decree the Pope had now to complete, and he did so. He even added an appendix to his letter to Cæsarius, in which he collected a number of older canons, in order to show that in these deposition had been pronounced on unchaste clerics.

After Cæsarius received this letter, he added himself a large series of canons of similar content, the 9th of Nicæa, and several of Gallican Synods, and sent the letter of the Pope, together with these two appendices, and an address to his comprovincials,[1] in order to convince those who had spoken in favour of a milder treatment of Contumeliosus, that on an adulterous bishop deposition must necessarily be inflicted, and that one who had done penance could not possibly be restored to his spiritual office. From a letter of the next Pope Agapetus I. to Cæsarius, dated July 18, 535, we learn that deposition was now pronounced upon Contumeliosus, but that he appealed from this sentence of the provincial Synod to the Pope, maintained his innocence, and found a protection in the Pope. The latter ordered that a new tribunal delegated by him should investigate the matter anew, but that Contumeliosus, who, after the expiration of his time of penance, had now returned to Riez, should abstain from the celebration of Mass and the administration of his diocese until the matter was finished. For his sustentation, however, he might receive what was necessary from the property of the Church. To this letter also an appendix of canons was added.[2] The further course of the affair is unknown.

[1] This is the unnamed document which begins with the words, Ecce manifestissime constat, in Mansi, t. viii. p. 811 sqq., and Hardouin, t. ii. p. 1156 sqq. Cf. *Histoire littéraire de la France*, t. iii. p. 222 sq.

[2] Mansi, t. viii. p. 856; Hardouin, t. ii. p. 1179.

Sec. 247. *Second Synod at Orleans*, A.D. 533.

In the preface to the minutes of their Synod, the bishops who were present at the second Synod of Orleans declare that they had come together at the command of the glorious Kings, in order to take measures for the observance of the Catholic law. By that expression they understand the yet living sons of Chlodwig (Clovis) the Great, Childebert I., Chlotar (Lothaire) I., and Theoderic I.

A still closer indication of the time is contained in the subscription of the president of the Synod, Archbishop Honoratus of Bourges (Biturica), since it bears date, *Die ix. Kal. Julias anno xxii. domni Childeberti regis.* This means June 23, 533, as King Chlodwig died in November 511.[1] From what has been said it may be seen, that we have here before us a kind of Frankish national Synod, since archbishops and bishops were present from the most different kingdoms and provinces. In the whole there were twenty-six prelates, and five priests as representatives of absent bishops. Besides Archbishop Honoratus of Bourges, who presided, we meet besides the Metropolitans Injuriosus of Tours, Flavius of Rouen, Aspasius of Eauze (*Eloscnsis*), and Julian of Vienne. Another archbishop was represented by the priest Orbatus. The following bishops also subscribed:—Leontius of Orleans, Eleutherius of Auxerre, Chronopius of Perigueux (*Petricorium*, in the province of Bordeaux, whose metropolitan was not present), Lupicinus of Angoulême (*Ecolisma* or *Icolisma*, also in the province of Bordeaux), Agrippinus of Autun (*Civitas Æduorum*, in the province of Lyons, whose metropolitan was not present), Otherius of Chartres (*Carnutum*), Eumerius of Nantes, Amelius of Paris, Sustratius of Cahors, Perpetuus of Avranches, Præsidius of Convenæ (now S. Bertrand on the Garonne, in the province *Elusa* or Eauze), Passivius of Seez (*Sagi*), Proculcianus of Ausch (*Auscii*), and Lauto of Coutances

[1] Cf. Pagi, *ad ann.* 514, n. 7–9, and *ad ann.* 536, n. 17. Baronius (*ad ann.* 514, n. 21, and 536, n. 124), Binius in Mansi (t. viii. p. 840), and Mansi (*l.c.*), by mistake transpose the death of Chlodwig to the year 514, and therefore our Synod to the year 536. Cf. the third Synod of Orleans (sec. 251, below), where the twenty-seventh year of Childebert is declared to be identical with the fourth year after the consulate of Paulinus the younger, *i.e.*, with the year 538.

(*Constantia*). Seven bishops: Importunus, Callistus, Marcus, Eusebius, Clarentius, Innocent, and Marcellus, did not append the names of their sees. The representatives of the absent, beside Orbatus already named, were the priests Asclepius for Bishop Adelphius of Poitiers (instead of *Rauracensi* we should read *Ratiatensi*, i.e. *Pictaviensi*, as Sirmond remarked), Lawrence for Bishop Gallus of Clermont in Auvergne, Eledius for Bishop Sebastius, and Præsidonius for Bishop Artemius. The sees of the last two are not named.[1]

The Synod drew up twenty-one canons as follows:—

1. No bishop must be absent from the Council or from the consecration of a bishop (in his province).

2. A provincial Council shall be held annually.

3. No bishop must receive anything for the consecration of another bishop, or of any other cleric.

4. If anyone has obtained the priesthood for money, he must be deposed.

5. If a bishop is invited to bury a colleague, he must not seek to free himself by false subterfuges. He must demand nothing but his expenses for his trouble.

6. When he comes to the burial, he must call the priests, enter with them the church house (the bishop's residence), take an inventory of all that is there, and intrust some responsible person with the care of it.

7. In regard to the ordination of a metropolitan, the manner which has gone out of use shall be re-established. After the metropolitan has been elected by the com-provincial bishops, the clergy (of his diocese) and (*vel*)[2] the laity, he shall be ordained by all the assembled bishops.

8. If a deacon is brought into captivity, and during this time marries, he must, after his return, be deposed from all ministry in the Church. Yet, if he has done penance for his offence, he may again receive the communion.

9. No priest may, without permission of the bishop, live

[1] Archbishops and bishops subscribed after one another, without regard to the rank of the churches. So at the Synod of Clermont, A.D. 535. Cf. Remi Ceillier, *l.c.* t. xvi. p. 712.

[2] In later Latin *vel* is often used. Cf. Du Cange, *Glossar.* s.v. *vel.*

with people of the world. If he nevertheless does so, he must be excluded *ab officii communione*.[1]

10. No one must marry his stepmother.

11. Matrimonial contracts (*matrimonia contracta*), if sickness happens, may not be given up at the will (of the parties).

12. If anyone has made a vow to sing, or to drink, or to do anything else improper in the church, he must not keep it; for by such vows God is rather offended than pleased by their observance.[2]

13. Abbots, martyrarii,[3] monks, and priests must exhibit no apostolia (letters of peace).

14. Clerics who neglect their office, and do not come to church when duty requires, must be deprived of the dignity of their office.

15. For those who are executed for any crime *oblationes defunctorum* may be allowed, but not for suicides.

16. No one must be ordained priest or deacon, if he has no education, or does not understand how to baptize.

17. Women who, in opposition to the canons (sec. 231), have received the benediction as deaconesses, if they marry again, must be excommunicated. If, at the admonition of the bishop, they give up such a union, they may, after undergoing penance, be admitted to communion again,

18. To no woman must henceforth the *benedictio diaconalis* be given, because of the weakness of the sex.

19. No Christian must marry a Jewess, and conversely. If any such union has been accomplished, it must be dissolved on pain of excommunication.

20. Catholics who return to the worship of idols or eat food offered to idols, must be dismissed from Church membership. So also with those who eat of animals which have died, or which have been killed by other animals.

[1] The expression *communio officii* I have found nowhere else, not even in Du Cange, and none of those who treat of this Synod has given an explanation of it. It certainly means: such an one shall not be excommunicated, but from the exercise of the priestly office; he shall have no more part in priestly functions.

[2] These were pagan and superstitious vows.

[3] The *martyrarius* is the *custos martyrii, i.e.* the church of a martyr. Cf. Du Cange, *s.v. Martyrarius*; and *Dictionary of Christian Antiquities*, under *Apostolium* and *Martyrium*.

21. Abbots who despise the prescriptions of the bishops, must not be allowed at communion. Bishops, however, who do not regard these canons, must know that they will be responsible before God and their brethren.[1]

Sec. 248. *Synod at Carthage*, A.D. 535.

The Emperor Justinian the Great had, in the year 534, sent his general Belisarius, with 600 ships and 35,000 soldiers, into Africa, to put an end to the Vandal kingdom. In consequence, being freed from the long and heavy oppression of the Arians, there met together 217 African bishops, under the presidency of Archbishop Reparatus of Carthage (successor of Boniface), in the year 535, in an African general Council in the Basilica Fausti at Carthage, which city had, in honour of the Emperor, received the surname of Justiniana. In that church, which Hunneric had previously wrested from the Catholics, there were many relics of the martyrs, and the bishops believed that it was owing to their intercession that they had been freed from their oppressors. For a hundred years, they said, there had been no African general Council held, and all the assembled bishops were now filled with joy, and full of thanks to God for this meeting. The ordinances of Nicæa were read, and the question then arose, whether those who had been Arian priests (of the Vandals) should, after reception of the orthodox doctrine, be left in their offices, or should only be taken into lay communion. All the members of the Synod inclined to the latter view; yet they would not decide, but resolved unanimously to apply to Pope John II. for guidance, not only on this matter, but on the second question, whether those who had been baptized as children of Arians might be admitted into the clerical order.

To this end they addressed a synodal letter to the Pope, and sent therewith two bishops of their number, Caius and Peter, with the Carthaginian deacon Liberatus to Rome. At the close of their letter they add, that it had often come to

[1] Mansi. t. viii. p. 836 sqq.; Hardouin, t. ii. p. 1174 sqq.; Sirmond, *Concilia Galliæ*, t. i. p. 228 sq.

pass that African bishops had, in an arbitrary manner, left their churches, and betaken themselves to lands beyond the sea (Italy). The Church had tolerated this in that unhappy period (of Vandal supremacy). For the future, however, any bishop or priest, or other cleric, if he should come without a letter of peace, and could not show that he was sent for the service of the Church, ought to be regarded in the same manner as a heretic, and not received into communion by the Pope.[1]

When the African deputies arrived in Rome, John II. was already dead. Therefore his successor, Agapetus I., answered the inquiries of the Synod, and added to his letter the ancient canons which contained the ecclesiastical rules on the points in question. This appendix is lost. In the letter itself, however, the Pope declares that (*a*) a converted Arian ought never to be advanced to an ecclesiastical office, whatever his age might have been (*i.e.* even if he were a child), when he was spotted with that plague; and that (*b*) their office in the Church could not be left to the converted Arian priests, but that they should receive support from the property of the Church. Finally, the Pope fully conceded the wish of the Synod in regard to the clergy travelling without leave, as it was in accordance with the canons.[2]

Besides this, we possess a part of the minutes of the Synod of Carthage in which the relation of the monasteries to the bishops is treated. Bishop Felician of Ruspe, the successor of S. Fulgentius, brought forward that his predecessor had founded a monastery in the city of Ruspe, and he prayed now that something might be settled in the matter of monasteries. Thereupon Bishop Felix of Zactara (or Zattara), in the ecclesiastical province of Numidia, declared: "In regard to the monastery of the Abbot Peter, whose abbot is now Fortunatus, they must abide by the decisions of the Synod under Boniface (see above, sec. 238); but the other monasteries should enjoy the fullest liberty as far as the Councils

[1] The synodal letters of the Africans to Pope John II. in Mansi, t. viii. p. 808; Hardouin, t. ii. p. 1154.

[2] Mansi, t. viii. p. 843; Baronius, *ad ann.* 535, n. 37; this document is wanting in Hardouin.

allow. If they wish that clergy should be ordained or oratories consecrated, this shall be done by the bishop of the place or of the neighbourhood. In other respects, however, the monasteries are independent of the bishop, and have no duties to render to him. Moreover, the bishop must not erect a chair (*cathedra*) for himself in any monastery, nor must he ordain anyone without consent of the abbot. When the abbot dies, the whole society (of the monastery) shall elect a new one; and the bishop shall in no way usurp the right of election. If a dispute arises respecting the election (among the monks), other abbots shall decide; if the dispute continues, the matter shall be brought before the primate of the province. At divine service the bishop should read aloud (from the diptychs), among the others whom he has ordained, also the monks of his district whom he has ordained."[1] We do not know whether all of this was merely the private opinion of Bishop Felix, or whether it was made a decree by the Synod.

Finally, the Synod send an embassy to the Emperor Justinian, to entreat of him the restoration of those possessions and rights of the Churches in Africa which the Vandals had taken away. The Emperor gave consent to this request in the edict to Salomo, his Præfectus Prætorio for Africa.[2]

Sec. 249. *Synod at Clermont, in Auvergne (Concilium Arvernense)*, A.D. 535.

With the assent of King Theodebert of Austrasia, a grandson of Chlodwig the Great, fifteen bishops assembled at a Synod in the church at Clermont, in the country of the Arverni. At the head stood Archbishop Honoratus of Bourges, whom we have already learnt to know at the second Synod of Orleans. We also meet here Bishops Flavius of Reims, Nicetius of Trêves (Trier), Hesperius of Metz, Desideratus of Verdun, Grammaticus of Vindonissa, and *Domitianus Coloniensis*, that is, of Cöln (Cologne), or, as other manuscripts read,

[1] Mansi, t. viii. p. 841; Hardouin, t. ii. p. 1177.

[2] Justiniani *Novella* 36 and 37; also printed in Baronius, *ad ann.* 535, n. 43.

Ecclesiæ Tungrorum, i.e. of Tungern.[1] We see that Germany had here a good many representatives. As usual, the ancient canons were enjoined, and some new ones published.

1. No bishop shall bring forward at the Synod any other subject until the transactions with reference to the improvement of morals, and what concerns the salvation of the soul, are ended.

2. A bishop shall be elected by the clergy and laity, with the consent of the metropolitan. If anyone forces himself in through favour of the powerful, or through cunning, he shall be excommunicated.

3. Corpses must not be covered with palls and other church effects (*ministeria divina*).[2]

4. The powerful of this world must not keep disobedient clerics.

5. If anyone allows himself to be presented by Kings with anything that belongs to the Church, he shall be excommunicated, and lose the gift.

6. The body of a *sacerdos* (bishop) must not be covered with the cloak which is usually placed over the Body of Christ (*opertorium dominici corporis*), otherwise, if this cloth is given back to the Church, the altar would be dishonoured.

7. No church furniture may be lent for the adornment of marriages.—Received into the *Corpus jur. can.* c. 43; *De consecrat.* Dist. i.

8. Jews must not be appointed as judges over a Christian population.

9. No bishop may seize the parishes of another.

10. No bishop may receive a foreign cleric without the assent of his bishop, or advance him to higher orders.

11. Incestuous marriages are forbidden.

12. If anyone is ordained deacon or priest, he must not continue matrimonial intercourse. He becomes a brother of his wife. As, however, some, inflamed by desire, have cast off the girdle of the warfare (of Christ), and have returned to

[1] Cf. the note of Sirmond in *Concil. Galliæ*, t. i. p. 606 sq.; also in Mansi, t. viii. p. 867. Wiltsch, *Kirchl. Geographie u. Statistik*, Bd. i. S. 103, Anm. 11.

[2] On *ministeria divina*=church effects in general, cf. Du Cange, *Glossar.* s.v. *ministerium sacrum*, t. iv. ed. Ben. p. 784 sqq.

matrimonial intercourse, it is ordained that such must lose their dignity for ever.

13. Whoever takes from the Church anything which has been bequeathed by writing to the Church, unless he restores it immediately at the exhortation of the bishop, must be expelled from the Christian Church.

14. If a priest or deacon does not belong to the canon (= list of the clergy) of the city or of the rural parishes, but lives in a villa and holds divine service in an oratory, he must celebrate the festivals of Christmas, Easter, Pentecost, and the other festivals with the bishop in his city. So also must the grown up citizens go to the bishop of the city at the festivals named, otherwise they must, at these feasts, be immediately excommunicated.

15. Bishops, priests, and deacons must have no intercourse with strange women, nor allow any nun, or strange woman, or female servant (slave) to enter their chamber. Whoever does not attend to this is excommunicated; and the bishop will be punished if he does not punish such an offence in a priest or deacon.[1]

Some other canons, said to belong to the Synod of Clermont, are placed by Mansi in his collection, t. viii. p. 865 sqq.

Finally, the Synod addressed a letter to the Austrasian King Theodebert, praying him that he would not consent that any cleric or layman who possessed property in another Frankish kingdom than that of his residence, should be deprived of it. It should suffice that he paid tribute to the lord of his country.[2]

Sec. 250. *Synods at Constantinople and Jerusalem*, A.D. 536.

After the death of the Patriarch Epiphanius, to which we referred above (sec. 244), Anthimus, archbishop of Trapezont, was, through the influence of the Empress Theodora, the consort of Justinian, raised to the see of Constantinople. Like his

[1] Mansi, t. viii. p. 859 sqq.; Hardouin, t. ii. p. 1179 sqq.; Sirmond, *Concil. Galliæ*, t. i. p. 241 sqq. Cf. Remi Ceillier, t. xvi. p. 712 sqq., and *Hist. littér. de la France*, t. iii. p. 171 sqq.

[2] In Mansi, Hardouin, and Sirmond, *ll.cc.*

patroness he leaned to Monophysitism, and the Emperor Justinian, in spite of his zeal for the Chalcedonian faith, was misled by Theodora and her party into the belief that Anthimus was quite orthodox. Soon after, in February 536, Pope Agapetus came to Constantinople, whither the East Gothic King Theodatus had sent him, in order to confer, in his name, with the Emperor on political affairs. In Constantinople the Pope refused to have any fellowship with the new patriarch, especially as the latter had been advanced uncanonically from one bishopric to another, and, after a violent collision with the Emperor, brought it about that Anthimus was deposed, and the priest Mennas, president of the Hospice Samson, in accordance with the wish of the Emperor, was raised to the see, March 13, 536. The Pope himself was the consecrator.

It is generally assumed, on the authority of the Byzantine historian Theophanes, that the deposition of Anthimus and the elevation of Mennas was decided at a Constantinopolitan Synod;[1] but Mansi (*l.c.* p. 871 sq.) contests its existence, and seeks to show that it was not until after the deposition of Anthimus that a kind of Synod, or at least an assembly of Oriental bishops and archimandrites, took place, and forwarded a letter to the Pope, who was then still in Constantinople.[2] They asked in this that the Pope would give Anthimus a period of time within which he must clear himself of the suspicion of heresy, or be disqualified from holding the bishopric of Trapezont. The Pope acquiesced, suspended Anthimus for the present, and, from his sickbed, forwarded the memorial in question to the Emperor. As the Pope died April 6 or 22, 536, at Constantinople, the matter could not be completed until after his death, and this by a new Synod of Constantin-

[1] Cf. Pagi, *ad ann.* 356, n. 5, 6; Mansi, t. viii. p. 869 sq.

[2] The existence of this assembly is clear from a memorial of the monks of Constantinople and Jerusalem to the following Synod (Mansi, t. viii. p. 888; Hardouin, t. ii. p. 1195). They say: "The bishops assembled here from Palestine and other countries in the East, etc., and we ourselves, request that Anthimus shall clear himself of all suspicion of heresy before the papal see." The *Libellus Synodicus* says that Pope Agapetus deposed Anthimus at a Synod at Constantinople; but its information on this subject is full of errors. Mansi, t. viii. p. 1161; Hardouin, t. v. p. 1534.

ople, which has become famous, held in May and June 536, which has left us very numerous and comprehensive Acts. These were first edited by Severinus Binius in 1618, after a codex in the library at Heidelberg, which, however, was in many places defective, and in others erroneous and incoherent. A much better text was discovered in the same year, 1618, by the learned Jesuit Fronton le Due; but he, too, left a good deal to be gleaned by Labbe, a member of his own order. To the industry of the latter we owe the present text.

The Acts of the first session, on the 2nd of May 536, declare that the Synod was held at the command of the Emperor. All their sessions, five in number, took place in the eastern hall of S. Mary's Church, which lay in the neighbourhood of the great church. The Patriarch Mennas was president. On his right sat five Italian bishops, who had been sent at an earlier period by the Apostolic Chair to Constantinople, and had remained there with Agapetus. They were Sabinus of Canusium, Epiphanius of Ecbanum, Asterius of Salerno, Rusticus of Fæsulæ, and Leo of Nola. Besides these, there sat on the right hand twenty-three, on the left twenty-four, metropolitans and bishops from the most different parts of the Byzantine kingdom. The most celebrated among them was Hypatius of Ephesus. Also on the left were two deacons, two notaries, and several other clerics, whom Agapetus had brought with him to Constantinople; moreover, the representatives of the absent patriarchs of Antioch (Theopolis) and Jerusalem, and of the metropolitans of Cæsarea, Ancyra, and Corinth. Finally, the clergy of Constantinople were present.

After all had taken their places, the deacon and overnotary Euphemius brought forward the following: "The priest Marinianus (Marianus), president (ἡγούμενος) of the Dalmatius monastery, also exarch of all the monasteries of Constantinople, and the monks from Antioch and Jerusalem, who are here present at the residence, have presented a petition to the Emperor, and he has, in accordance with the wish of the petitioners, commanded the reading of the petition in the present assembly, so that they may decide what is in accordance with the laws of the Church. The monks in

question and the Referendar Theodore assigned to them by the Emperor now request permission to appear before the Council."[1]

The Patriarch Mennas granted this request. More than eighty abbots and monks from Constantinople, Antioch, and Palestine came in, and the imperial Referendar presented the document which they had addressed to Justinian. The patriarch had it immediately read by a deacon. Its principal contents are as follows: "Anthimus (the deposed archbishop of Constantinople), Severus (the previous patriarch of Antioch), Peter (of Apamea, cf. sec. 233), and Zoaras (a Eutychian monk) had stirred up dissensions, had pronounced anathemas on the saints, and even in Constantinople had erected profane altars and baptisteries over against the true altars, etc. Anthimus in particular, formerly bishop of Trapezont, had for a long time left his church, and, under the semblance of an ascetic manner of life, had united himself with the heretics (Monophysites), by whose help he attained to the see of Constantinople in a thoroughly uncanonical manner. Agapetus of Rome had, in union with the Emperor, deposed him, and advanced Mennas to his place. Somewhat later, in union with the bishops of Palestine and other Oriental[2] countries assembled at Constantinople, we requested (the Pope), in a new memorial, that Anthimus should be required to clear himself of all suspicion of heresy and resume his see in Trapezont; and, if he could not do the first, then he should be altogether deposed from the priesthood. This request Agapetus had anticipated, had suspended Anthimus with the other previously-named heretics (Severus, etc.) from all priestly functions until they had done penance, and had presented the memorial of the monks and bishops to the Emperor. The Emperor, they prayed, would not think lightly of the judgment of this man who had died in the meantime, but would accomplish it, and free the world from the plague of Anthimus and the other heretics named."[3]

[1] Mansi, t. viii. p. 877 sqq.; Hardouin, t. ii. p. 1187 sqq.

[2] This is the passage which proves the existence of one of the previous Synods at Constantinople at this period. See the note before last.

[3] Mansi, t. viii. pp. 881–890; Hardouin, t. ii. p. 1190 sqq.

Upon this a report (*διδασκαλικόν*), addressed by the same monks to the Patriarch Mennas, was read, in which they make him acquainted with all their steps against Anthimus, and with his history, which we already know — how he had left the bishopric of Trapezont, had hypocritically begun an ascetic life, had united himself with the heretics, and had usurped the see of Constantinople. They, the monks, had repeatedly requested him to declare whether he agreed with the Council of Chalcedon and Pope Leo, and anathematised Eutyches and Dioscurus. God had now awakened Agapetus, and he drove Anthimus from the episcopal chair of Constantinople and consecrated Mennas, who had been elected by the Emperor, and the clergy of the Church, and other distinguished men. Somewhat later they had presented to the Pope the now well-known new memorial respecting Anthimus; but Agapetus had died, and they had now turned to the Emperor again, and on this account the present Synod was held.[1]

The next document that was read was the letter which the monks, some time after the deposition of Anthimus, had addressed to the Pope. They call him there the "œcumenical patriarch," and complain of the Acephaloi and the schismatics, who had got up mischief against the Churches, the Pope, and the Emperor. In particular, the Monophysite monks had knocked out an eye from a likeness of the Emperor; and one of them, the Persian Isaac, had struck it with a stick, and at the same time uttered insulting words against the Emperor, really against God, for whose cause he had insulted the likeness. When the stick broke, he had torn the painted linen and cast it into the fire. These heretics had also insinuated themselves into the houses of several persons of distinction, and had led astray women; had set up in their own dwellings and in the suburbs false altars and baptisteries, protected by powerful persons of the very house of the Emperor (*i.e.* by the Empress Theodora). This the Pope should not endure; but, as he had formerly risen against Anthimus, and driven

[1] Mansi, t. viii. p. 892; Hardouin, t. ii. p. 1198. That this *διδασκαλικόν* was addressed to Mennas is shown by its contents, particularly near the middle, the passage: *τὴν δὲ ὑμετέραν μακαριότητα, κ.τ.λ.* Walch incorrectly maintains that it was an oral address by Abbot Marianus. Walch, *Ketzerhist.* Bd. vii. S. 149.

the clergy and laity. Agapetus is surprised that Peter of Jerusalem had given no notice to the Pope of the uncanonical elevation of Anthimus to the throne of Constantinople, and had even consented to it, and he hopes that the bishops of Palestine will now receive none of those whom the Pope condemns.[1]

Finally, Mennas declared that he intended to send a deputation of seven bishops, priests, and notaries to Anthimus, in order to inform him of the present Synod, and to invite him to appear within three days and give full assurance with regard to the points noted (that is, in regard to his orthodoxy[2]). The first session thus terminated.

At the second session, on May 6, in the same place, the monks again petitioned to be admitted, and after they were introduced, the minutes of the first session were read in their presence, and the deputies of the Synod who had been sent to Anthimus related that they had sought him in the most different places, but had nowhere found him. The Patriarch Mennas then allowed him a further respite of three days, and commissioned seven other bishops and clerics to seek him and summons him to the Synod.[3]

The third session, on May 10, was exactly like the second. The petition of the monks for admission was again granted, the minutes of the previous transactions were read, and the deputies related that they had not been able to find Anthimus anywhere. The Patriarch Mennas then allowed a third and last respite of ten days. If within that time he had not cleared himself of the suspicion of heresy, he would be condemned in accordance with the sentence pronounced against him by Agapetus. Again seven deputies were appointed to seek him, and the summons at the same time ordered to be publicly proclaimed. In accordance with this resolution a public letter was addressed to Anthimus. This letter occurs in the Acts of the fourth session. It is dated May 15, and sent out by the "œcumenical patriarch"

[1] Mansi, t. viii. pp. 921–924; Hardouin, t. ii. p. 1225 sq.
[2] Mansi, t. viii. p. 925; Hardouin, t. ii. p. 1227.
[3] Mansi, t. viii. pp. 925–936; Hardouin, t. ii. pp. 1227–1235.

Mennas and the whole Synod;[1] and gives only a period of six days, as it was not published until the deputies had spent several days in vain inquiries after Anthimus.

After they had given a sufficient explanation of this at the fourth session, on May 21, Mennas asked both the Italian and the Greek bishops their opinion. The former, together with the Roman deacons, declared in few words that they held thoroughly to the judgment which had already been pronounced on Anthimus by Agapetus. Hypatius of Ephesus spoke as representative of the Greek bishops, and explained at greater length the offence of Anthimus, particularly that he rejected the Chalcedonian expression *ἐν δύο φύσεσι*; and closed with the decision that he should be deposed from the bishopric of Trapezont and all ecclesiastical dignities in accordance with the judgment of the Pope, and should be deprived of the name of Catholic. This sentence was immediately proclaimed by Mennas in a solemn address. As frequently happened, there then broke forth numerous exclamations in honour of the Emperor and patriarch, and for the rejection of heretics.

At the same time the monks of Jerusalem presented a new memorial, and wanted, with their friends, in the general excitement to have this publicly read, and the resolution taken that the monasteries inhabited by the Eutychians, and especially by Zoaras, should be immediately suppressed. Mennas, however, pacified them with the remark, that it would be necessary first to acquaint the Emperor with this demand, since nothing could be done in the Church against his will and command (*μηδὲν τῶν ἐν τῇ ἁγιωτάτῃ ἐκκλησίᾳ κινουμένων παρὰ γνώμην αὐτοῦ καὶ κέλευσιν γενέσθαι*). At the same time, as compensation, Mennas added: "We follow and obey the apostolic see, with which he has communion, as we also have; and whom he condems we also condemn." At the close the minutes were signed by all the bishops present, together with the Roman deacons and the representatives of absent bishops.[2]

Very voluminous are the Acts of the fifth session, held

[1] Mansi, t. viii. p. 960; Hardouin, t. ii. p. 1254.

[2] Mansi, t. viii. pp. 980–984; Hardouin, t. ii. pp. 1246–1267.

June 4, 536, since here numerous documents were read and embodied. The first was a memorial addressed to the Emperor by Paul of Apamea and the other bishops of Syria II., in which they set forth their own orthodoxy, pronounced anathema on all persons of Monophysite opinions, and particularly on Anthimus, Severus (of Antioch), and Peter (formerly bishop of Apamea), and besought the Emperor to banish the heretics.[1]

The second document, also addressed to the Emperor, was a petition of the monks already mentioned of Constantinople, Jerusalem, Syria, and Palestine, requesting that the Emperor would recommend that the Patriarch Mennas and the Synod would hold a new session for the punishment of Severus, Peter, and Zoaras.[2] Then followed the reading of the memorial, which these same monks had presented to Mennas at the end of the fourth session, as we have heard. They express therein their satisfaction that Anthimus has been condemned; but remark that Satan has still two other active assistants, Severus and Peter, who had pronounced anathema on the Synod of Chalcedon and Pope Leo, had persecuted the orthodox, had maltreated and even killed many of them, and had, in an unlawful manner, got possession of the sees of Antioch and Apamea. Severus, in particular, had formerly served demons at Berytus, and even now was not free from heathenism; for immediately after his baptism he had connected himself with the Acephaloi, and as their head had rejected the *Henoticon*. Later, after he had usurped the episcopal chair, he had made believe that he accepted this, and had united with the bishop of Alexandria, Peter Mongus. He had even gone so far as to inscribe his name on the diptychs of Antioch, although he had previously himself demanded his banishment from Alexandria. To increase the disorder, he had then also received Peter of Iberia, and had entered into fellowship with the other Acephaloi.[3] He had indeed already been deposed and excommunicated along with

[1] Mansi, t. viii. pp. 980–984; Hardouin, t. ii. pp. 1270–1274.

[2] Mansi, t. viii. pp. 984–996; Hardouin, t. ii. pp. 1274–1283.

[3] On Peter of Iberia, bishop of Gaza, who with Timothy Ælurus was deposed and exiled, cf. Walch, *Ketzerhist.* Bd. vi. S. 960.

his adherents; but they had escaped punishment by flight, and later on had ventured to lay waste the city of Constantinople. Peter of Apamea and Severus had here their conventicles and their baptisteries, had led many astray, and also had seduced many women, and all this had been proved under Pope Hormisdas at Rome. Mennas and the Synod were therefore requested to pronounce anew anathema upon Severus, Peter, and their adherents, and also on the Syrian Zoaras, who had rejected the holy Fathers, had held unauthorised Church service, and had administered baptism. Besides this, the impious books of Severus should be condemned to the fire.[1]

At the wish of the Italian bishops and of the Roman deacons there were now two letters read of Pope Hormisdas, first in Latin, and then in a Greek translation. The one of date February 10, 518, was addressed to the priests, deacons, archimandrites, and all the orthodox of Syria II., and contained the answer to a complaint of the orthodox monks of Syria, who had been cruelly ill-treated by Severus (in the time of the Emperor Anastasius). The Pope exhorted them to endurance and loyalty to the faith, and warned them against the adherents of Eutyches, against Dioscurus, and Peter of Alexandria, against Acacius of Constantinople (the originator of the *Henoticon*), against Peter of Antioch, Severus, Xenaias, Peter of Apamea, etc.[2]

Somewhat later is the second letter of Pope Hormisdas, which was addressed, March 26, 521, after the restoration of union between the Greek and Roman Churches, to the new Patriarch Epiphanius of Constantinople (see sec. 233), and gave him instructions as to the manner in which those who had been misguided by the Monophysites, particularly by Severus, should be reconciled to the Church.[3]

At the command of the Patriarch Mennas the notaries of his church further read all the documents connected with this subject, which had been received and deposited in the archives of Constantinople, first, the complaint which the

[1] Mansi, t. viii. pp. 996–1021 ; Hardouin, t. ii. pp. 1283–1306.
[2] Mansi, *l.c.* p. 1024 sqq.; Hardouin, *l.c.* p. 1306 sq.
[3] Mansi, *l.c.* p. 1029 sqq.; Hardouin, *l.c.* p. 1311 sqq.

clergy of Antioch had addressed, in the year 518, respecting the intruder Severus, to the Patriarch John of Constantinople and the Synod assembled around him. We have already referred to this (sec. 233), and it is there told how Severus, in opposition to the canons, had got hold of the see of Antioch, had spoken blasphemies against God, rejected the holy Synods, imprisoned the orthodox, offered impious sacrifices to demons, and had carried away and appropriated to himself the gold and silver doves which hung over the altars and fonts (*κολυμβήθρα*), because he did not like to represent the Holy Ghost in the form of a dove.[1]

On this followed the Acts of the just mentioned Synod of Constantinople of A.D. 518: (*a*) Its synodal letter to the Patriarch John,[2] containing the decrees of the Synod in reference to the (*b*) petition of the monks of Constantinople.[3] (*c*) The third document describes the stormy proceedings at Constantinople, which preceded the calling of the Synod of A.D. 518, by which the people had demanded with all decision the anathema upon Severus.[4] (*d*) The fourth and fifth documents are two letters of the Patriarch John of Constantinople, of the year 548, to the Bishop John of Jerusalem and Epiphanius of Tyre, in which he requested them to accede to the decrees of his Synod, and so to the anathema on Severus.[5] (*e*) The sixth and seventh places were occupied by the answers of the bishops of Jerusalem and Tyre, who, in the name of the provincial Synods held by them had agreed to the sentence on Severus (A.D. 518), and fully discussed his offence.[6] (*f*) The eighth document, without superscription, gives an account of the proceedings at Tyre before the opening of the Synod there (A.D. 518), at which the people had most decidedly demanded that anathema should be pronounced on Severus.[7] (*g*) In accordance with the requirement of

[1] Mansi, *l.c.* p. 1037 sqq.; Hardouin, *l.c.* p. 1317.

[2] Mansi, *l.c.* pp. 1041–1049; Hardouin, *l.c.* pp. 1322–1327.

[3] Mansi, *l.c.* pp. 1049–1056; Hardouin, *l.c.* p. 1327 sqq. Compare above, sec. 233.

[4] Mansi, *l.c.* pp. 1057–1065; Hardouin, *l.c.* p. 1334 sqq.; cf. sec. 233.

[5] Mansi, *l.c.* p. 1065 sqq.; Hardouin, *l.c.* p. 1342.

[6] Mansi, *l.c.* p. 1068 sqq.; Hardouin, *l.c.* p. 1342 sqq.

[7] Mansi, *l.c.* pp. 1081–1092; Hardouin, *l.c.* pp. 1354–1362.

John of Constantinople the bishops of Syria II. had also held a Synod and pronounced anathema on Severus. They thought good also to suspend the same sentence over Peter of Apamea, and sent to John of Constantinople and his Synod their own synodal letter, together with a long appendix which contained all the numerous complaints, etc., received against Peter of Apamea. These documents were now also read again, A.D. 536.[1]

Hereupon Mennas invited the Synod now to give its judgment; and after this had been done by the Latins and the other members (through an interpreter),[2] Mennas announced, in a longer address, the decision, that Severus, Peter, Zoaras, and their adherents, and all who held conventicles and baptized without authority, together with their writings, should be smitten with anathema. This sentence was subscribed by all, and the Synod was then closed.

Two months later, August 6, 536, the Emperor Justinian published an edict directed against Anthimus, Severus, Peter of Apamea, and Zoaras, in the form of a letter to the Patriarch Mennas, in which he confirmed the ecclesiastical sentences pronounced against them, and forbade them to reside henceforth in Constantinople and its neighbourhood, or in any other large city, to disseminate their doctrine, to baptize, etc. Of Severus it was alleged, in an astonishing manner, that he sometimes defended the Nestorian and sometimes the Eutychian error, although they were as far as possible opposed. All the adherents of these men were, like them, exiled, and the books of Severus were to be burnt by everyone who possessed them. Whoever should receive the

[1] Mansi, *l.c.* pp. 1093-1136; Hardouin, *l.c.* pp. 1362–1394.

[2] The Vote of the Greek and Oriental bishops bears the superscription: Sententia *Epiphanii* patriarchæ et Synodi, etc., Mansi, *l.c.* p. 1137; Hardouin, *l.c.* p. 1394. This is evidently incorrect, for the whole context of this *Sententia* shows that it was preceded by the reading of the numerous documents which were presented at the Synod of Constantinople, so that they could not have proceeded from the Patriarch Epiphanius of Constantinople (520–535.) Perhaps, instead of *Epiphanii*, we should read *Hypatii*, who, in the fourth session, spoke as the representative of the Greek and Syrian majority (Mansi, *l.c.* p. 961, and Hardouin, *l.c.* p. 1258), and in a similar manner "in the name of the Synod," as is here ascribed to Epiphanius.

banished into his house and support them, his house and goods should be confiscated and made over to the Church. Mennas, finally, was requested to transmit this edict to the other metropolitans.[1]

After Mennas had communicated this imperial edict to the Palestinian monks now returning to their home, and had added a letter of his own to the Patriarch Peter of Jerusalem, the latter assembled, September 19, 536, the bishops of the three provinces of Palestine in a Synod in the Secretarium of his Episcopal Church. The two letters above mentioned, and, besides these, also the Acts of the five sessions of Constantinople, which had been communicated by Mennas, were read aloud, and then the assent of the Synod to the deposition of Anthimus was solemnly declared. All present, forty-nine in number, subscribed.[2] No sentence against Severus of Antioch and Peter of Apamea is contained in the Acts of Jerusalem. Walch[3] supposes that the silence on both has its foundation in this, that the bishops of Palestine had already condemned both. This is not so. Walch here confounds the Palestinian and the Syrian bishops. The former had pronounced judgment only over Severus, in the year 518. Compare sec. 233.

Sec. 251. *Third Synod at Orleans*, A.D. 538.

The third Synod of Orleans, like the second, was not merely a provincial Synod, since the bishops of several ecclesiastical provinces took part in it. The president was the Metropolitan Lupus of Lyons, although the city and diocese of Orleans did not belong to his province, but to that of Sens. Besides him there were present the Metropolitans Pantagathus of Vienne, Leo of Sens, Arcadius of Bourges, and Flavius of Rouen. The archbishop of Tours, Injuriosus, was represented by a priest. The Acts were subscribed by nineteen bishops, and seven priests as representatives of absentees. In the subscription of Archbishop Lupus, the

[1] Mansi, *l.c.* p. 1149 sqq.; Hardouin, *l.c.* p. 1406 sqq.
[2] Mansi, *l.c.* pp. 1164–1176; Hardouin, *l.c.* pp. 1410–1419.
[3] *Ketzerhist.* Thl. vii. S. 160, Anm. 2.

time of the holding of the Synod is given as *Die Nonarum mensis tertii, quarto post consulatum Paulini junioris V. C. anno 27 regni Domini Childeberti regis.* This indicates the year 538, and probably the 7th of May, since in ancient times it was common to begin the year with the 25th of March.[1] The assembled bishops declare their aim to be the re-establishment of the old laws of the Church and the passing of new ones. This they accomplished in thirty-three canons, many of which contain several ordinances:—

1. The metropolitan must every year summon a provincial Synod. If he fails for two years, in spite of being requested by the suffragans, he must not venture to say Mass for a whole year.

2. No cleric, from a subdeacon upwards, must have connubial intercourse with his wife, whom he formerly possessed. A bishop who allows it, is to be suspended for three months.

3. Metropolitans, when possible, are to be ordained by other metropolitans, but in presence of the comprovincial bishops. But they are to be chosen, as the decrees of the apostolic see ordain, by the comprovincials, in agreement (*cum consensu*) with the clergy and the citizens. The ordinary bishop is to be chosen by the clergy and the citizens, with consent of the metropolitan.

4. Intercourse with strange women forbidden.

5. Whatever is left to the Churches in cities shall be in the power of the bishop, who can expend it for church repairs, or for the sustentation of the clergy ministering in the churches receiving the legacy. In regard to the property of village churches, the custom of each locality shall be observed. Cf. the canon of the Synod of Carpentras, sec. 239.

6. A layman may not be ordained until a year after his conversion (see sec. 222), nor until he has reached the proper age, twenty-five years for a deacon, and thirty for a priest. No one may become a cleric who has been married

[1] The 7th of May as the date of our Synod is adopted by Sirmond, *Concilia Galliæ*, t. i. p. 247; Mansi, t. ix. p. 19; Remi Ceillier, *Hist. des auteurs sacrés*, t. xvi. p. 725. On the other hand, the authors of the *Hist. littéraire de la France* (t. iii. p. 178) decide for the 7th of March, but have incorrectly printed 558 for 538.

twice, or to a widow, or who has undergone ecclesiastical penance, or is *semus corpore* (i.e. *imperfectus* or *mutilatus*), or tormented (*arreptus*)[1] by a demon. If, however, such an one should be ordained, he is to be deposed, and the bishop who ordained him suspended from clerical functions. If he still says Mass, he is to be excluded for a whole year *ab omnium fratrum caritate* (cf. canon 20 of the Synod of Chalcedon in vol. iii.). If anyone gives false witness at an ordination, so that an unworthy person is ordained, he is to be deprived of communion for a year.

7. If a cleric who has been willingly ordained marries after his ordination, he and his wife must be excommunicated. If he has been ordained against his will and under protest (if he marries), he loses his office, but he is not to be excommunicated. The bishop who consecrates anyone against his will, and in spite of his refusal, is to be suspended for a year from celebrating Mass. If a higher (*honoratior*) cleric confesses or is proved to have committed adultery, he is to be deposed, and for the rest of his life shut up in a monastery, but not deprived of the communion.—Partly received into the *Corp. jur. can.* as c. 1, Dist. lxxiv., and c. 10, Dist. lxxxi.

8. The cleric who has been guilty of a theft or of a falsehood, is to be degraded from the *Ordo*, but not excommunicated. A perjurer is to be excommunicated for two years.

9. Whoever, during his wife's life, or after her death, has had intercourse with a concubine, must not be ordained. If, through ignorance of this prohibition, he is already ordained, he may remain among the clergy.

10. Incestuous marriages are forbidden. If neophytes, immediately after their baptism, and in ignorance of this prohibition, contracted such a marriage, it shall not be dissolved.

11. Clerics who will not fulfil the duties of their office, nor obey the bishop, shall not be reckoned among the *canonicis clericis* (that is, the clergy inscribed in the Church register), nor like these receive support from Church property.

12. Church property must not be alienated, nor burdened

[1] Cf. Du Cange, *Glossar.* s.vv. *semus* and *arreptus*.

without necessity. If any has been alienated, it may be recovered for thirty years after.

13. If Christians are slaves to Jews, and shall do anything contrary to the Christian religion, or if their masters venture to attempt to strike them on account of any act allowed by the Church, and they flee repeatedly to the church, the bishop is not to give them up unless the value of the slave in question is paid down (as a pledge that no harm shall be done him). Christians must not marry with Jews, nor even eat with them.

14. At the principal festivals, at least, Mass is to begin at the third hour (9 A.M.), so that the priests, if the office is discharged at the proper hours, may be able to come together at vespers, for on such days the *sacerdos* must be present at vespers.

15. No bishop must ordain clerics or consecrate altars in strange dioceses. If he does so, those who are ordained by him are to be removed (*remotis*); but the consecration of the altars holds, and he (the bishop), must refrain from saying Mass for a year. No cleric must be appointed to office in a strange diocese without the consent of his bishop. No priest, deacon, or subdeacon, who travels without a letter from his bishop, may be received to communion.

16. If anyone carries off a virgin dedicated to God, or one who is vowed (has vowed the ascetic life), and does her violence, he shall be shut out from communion to the end of his life. If the woman carried off consents to intercourse with the ravisher, she must share the same excommunication. The same applies to penitents and widows who have taken a vow (see sec. 237).

17. If a cleric has received anything through the favour of a previous bishop, he must not be deprived of it by the succeeding bishop, but an exchange may be made so long as he is not injured. On the other hand, a bishop may deprive a cleric of what he has himself given, in case he is disobedient, etc.

18. If the administration of a monastery, a diocese (parochial church),[1] or basilica is committed to a clergyman

[1] Cf. Du Cange, *s.v. Dioecesis*, n. 2.

in an episcopal church, it rests with the bishop to decide whether he will allow him anything (of the income) of his previous office.

19. If any through pride neglects his office, he must be deposed (*ab ordine depositus*) to lay communion until he does penance (*i.e.* so long he shall be suspended); yet the bishop shall treat him with kindness and allow him his income.

20. If a cleric believes that he is wronged by the bishop, he may appeal to the Synod.

21. Clerics who have entered into a conspiracy, must be punished by the Synod.—Received into the *Corp. jur. can.* as c. 25, C. xi. q. 1.

22. Whoever takes any of the property of a Church or a bishop, must be excommunicated until he makes restitution. So also with anyone who prevents the legacies of departed persons from descending to the Church, or wants to take back what he has himself previously given to the Church.

23. No abbot, priest, etc., may alienate anything of Church property without the bishop's permission and signature.—This is c. 41, C. xii. q. 2.

24. The *benedictio pœnitentiæ* (see above, secs. 222 and 231) must not be given to young people, particularly not to married people unless they are already advanced in years, and both sides are agreeable. Cf. Frank, *On the Penitential Discipline of the Church*, Mainz 1867, p. 679.

25. If anyone after reception of the *benedictio pœnitentiæ* returns to a secular life or to the *militia*,[1] he may receive communion only on his deathbed.

26. No slave or farmer (*colonus*) must be ordained. The bishop who knowingly ordains one who is not free, must refrain from saying Mass for a year.

27. No cleric, from a deacon upwards, must lend money on interest, toil from sordid covetousness, carry on any forbidden business, etc.

28. It is a Jewish superstition that it is unlawful to ride or drive on Sunday, or do anything for the decoration of house or

[1] The *militia togata*=Civil State service; the *militia paludata*=military service. Cf. Frank, *l.c.* S. 688.

person. But field labours are forbidden, so that people may be able to come to church and worship. If anyone acts otherwise, he is to be punished, not by the laity, but by the bishop.

29. No layman must depart from Mass before the Lord's Prayer. If the bishop is there he must await his blessing. No one must appear armed at Mass or vespers.

38. From Maundy Thursday for four days onwards, Jews must not appear among Christians.

31. The judge who does not punish a rebaptizer is to be excommunicated for a year.

32. No cleric may bring a layman before a secular tribunal without permission of the bishop; nor any layman a cleric without the same permission.

33. No bishop may transgress these canons.[1]

SEC. 252. *Synods at Barcelona and in the Province of Byzacene.*

About the year 540, Archbishop Sergius of Tarragona with his suffragans celebrated a provincial Synod at Barcelona, which gave ten quite short, but not easily intelligible, canons:—

1. Before the Canticum, Ps. l. [li.] (*Miserere*) is to be said.

2. The blessing is to be given at matins as well as at vespers.—Cf. c. 30 of Agde, sec. 222.

3. No cleric may dress hair or shave the beard.

4. A deacon may not sit in the presence of a presbyter.

5. In the presence of the bishop, priests shall say prayers in proper order (*orationes in ordine colligant*[2]).

6. Penitents must shave their heads, wear a monk's frock, and dedicate their lives to fasting and prayer.

7. They must not take part in banquets.

[1] Mansi, t. ix. pp. 10–22; Hardouin, t. ii. p. 1422; Sirmond, *Concil. Galliæ*, t. i. p. 247 sqq. Still better in Bruns, *Biblioth. Eccl.* t. i. pt. ii. p. 191 sqq. (from the incomplete Benedictine edition of the Gallican Synods).

[2] *Collecta* is like *oratio*, because the priest collects into one the wishes and prayers of those present. *Orationes colligere=collectas dicere*, cf. Du Cange, *s.v. Collecta*, n. 8, t. ii. p. 754. Remi Ceillier (t. xvi. p. 731) and Richard (*Analysis Concil.* t. i. p. 351) read *absente*, instead of *præsente*.

8. If invalids request and receive penance, they must, when they are well again, live on as penitents. The laying on of hands, however (the sign of Church penance proper), must not be imparted to them. They are to be deprived of the communion until the bishop has found their life confirmed.

9, The sick shall receive the *benedictio viatica* (*i.e.* the viaticum). See sec. 229.

10. In regard to monks, the ordinances of the Synod of Chalcedon (in many of its canons) are valid.[1]

Through two edicts of the Emperor Justinian we obtain information respecting an African Synod of the province of Byzacene, A.D. 541, under the Primate (Metropolitan) Dacian. The minutes of the Synod are not extant. The principal subject of the transactions, however, seems to have had reference to the rights and privileges of the province of Byzacene and its Synod; and the assembly sent two deputies to the Emperor in order to obtain his approbation of their decrees. Justinian gave this to the effect that in all ecclesiastical proceedings in Africa, and also with regard to Councils, and the privileges of the metropolitans of Carthage and the primates of Numidia and Byzacene, the older practice and the earlier decisions should remain.[2]

SEC. 253. *Fourth Synod at Orleans*, A.D. 541.

The great Frankish National Synod, which was held at Orleans under the consulate of Basil (*i.e.* A.D. 541), as the subscription of its president specifies, was attended by bishops from almost all the provinces of Gaul. Fleury and, after him, Remi Ceillier (t. xvi. p. 732) maintain, that *all* the three kingdoms into which the great Frankish kingdom was divided were here represented, and that only from Narbonensis I. was there no bishop present, because this province then belonged to

[1] Mansi, t. ix. p. 110 sq.; Hardouin, t. ix. p. 1434 sq.; Gonzalez, *Coleccion de Canones*, Madrid 1849, t. ii. p. 686 sqq.

[2] The two imperial decrees to the Byzacene Council and its president, the Primate Dacian, dated October 6, 541, and October 29, 542, are printed in Baronius, *ad ann.* 541, n. 10–12.

the Spanish West Gothic kingdom. On the other hand, Richard (*Analysis Concil.* t. i. p. 531 sq.) showed that no bishop was present from the kingdom (Soissons) of Lothaire (Chlotar), nor yet from the two Germanic and the two Belgian provinces; whilst there was one from Narbonensis I., namely, Firminus of Ucetia (Uzez). The president was Archbishop Leontius of Bordeaux. Besides him there were many other metropolitans present, altogether thirty-eight bishops and twelve representatives of bishops. Among those present we find also Bishop Grammaticus of Vindonissa.[1] The thirty-eight canons of this assembly are as follows:—

1. The Easter festival must be celebrated by all at the same time, according to the Table of Victorius (see vol. i. p. 330). As early as the Epiphany the bishop shall proclaim the day of Easter to the people. If a doubt arises as to the festival, the metropolitans shall apply to the apostolic see for a decision.

2. In all churches Lent (Quadragesima) shall be held in the same manner, and not in some a Quinquagesima or Sexagesima. Everyone who is not sick must fast also on the Saturdays of Lent; only Sunday is excepted.

3. It is not permitted to distinguished laymen to keep the Easter festival outside the episcopal city (in their oratories).

4. At the oblation of the holy chalice, only wine from the grape, mixed with water, must be used.

5. A newly-elected bishop must be consecrated in the church over which he is to preside.

6. The parochial clergy (*parochiani clerici*) shall receive from the bishops the canons which it is necessary for them to read.

7. Strange clergymen must not be admitted into the oratories on country estates without permission of the bishop in whose diocese the oratory lies.

8. In the case of those who have fallen into heresy after baptism, but do penance, the bishop shall decide when and how they shall be restored to communion.

[1] Cf. my treatise on the *Introduction of Christianity into S.-W. Germany*, p. 176.

9. If a bishop, in opposition to the canons, has sold or pledged any Church property, and if he leaves none of his property to the Church, it must be reclaimed for the Church. If he has bestowed their liberty on any of the slaves of the Church (to a moderate number), these shall remain free.

10. If a bishop has knowingly ordained a bigamist, or the husband of a widow, a Levite, or a priest, he must know that he is suspended for a year from all clerical function; and the unlawfully ordained shall be degraded.

11. Anything presented to abbots or monasteries or parishes does not belong to the abbots or priests themselves. If it is necessary to alienate anything, this can be done only with the signature of the bishop.

12. If a dispute arises between bishops about possessions, they must, as soon as possible, come to an understanding, or choose a court of equity. The bishop who refuses this will be excluded *a caritate fratrum* (can. 20 of Chalcedon).

13. A judge who compels clergymen to perform public services, must know that he has not the peace of the Church. In particular, a bishop, priest, or deacon must not be burdened with a guardianship, from which even heathen priests were free.

14. Anything bequeathed to a church or to a bishop by a valid document must not be withheld by the heirs.

15. Whoever after baptism still eats of idol sacrifices, unless he reforms on being exhorted, must be excommunicated.

16. If a Christian, in a heathenish manner, takes an oath on the head of an animal, unless he reforms on being exhorted, he must be excommunicated.

17. *Sacerdotes* (bishops and priests) and deacons must not have the same chamber and the same bed with their wives, so that they may not be brought into suspicion of carnal intercourse.

18. If a cleric sells Church property which he has in usufruct, this is invalid.

19. If anyone has demonstrably presented anything to the Church in goods or vineyards, even without a written document, neither he nor his heir must reclaim it from the Church, under pain of excommunication.

20. No layman may arrest, try, or punish a clergyman without permission of the bishop or other ecclesiastical superior. If the cleric is required by his ecclesiastical superior to appear before the secular judge, then he must give speech and answer there without hesitation. In a trial between a cleric and a layman the judge must make no examination except in presence of the priest or archdeacon who is the superior of the cleric. If two contending parties (a cleric and a layman) wish to carry their trial before the secular tribunal, permission to this effect may be given to the cleric.

21. The right of asylum of churches is confirmed anew.

22. No one must marry a girl against the will of her parents under pain of excommunication.

23. The servants of the Church and of the bishops must commit no acts of violence nor take anyone prisoner.

24. If a male or female slave take refuge in a church, in order to get married against the will of their master, this must be invalid, and such a union must not be defended by the clergy.

25. No cleric may possess Church property under the protection of a man of power, without the assent of the bishop.

26. If churches are found in the houses of great men, the clergy who minister there, in case of their not fulfilling their duty to the Church, must be punished by the archdeacon. If however, they are hindered by the great man or his representative from doing their duty, he must be deprived of sacred offices until his amendment.

27. Whoever does not observe the ordinances of the previous Synod of Orleans (c. 10) in regard to incestuous marriages, must be punished in accordance with the canons of Epaon (see above, sec. 231).

28. If anyone has intentionally committed a murder, even if he is freed from punishment by the prince or by the parents (of the murdered man), must have suitable penance imposed by the bishop.

29. If a woman has committed adultery with a cleric, both must be punished by the bishop, and the woman banished from the city.

30. If a Christian, who is the slave of a Jew, flees to a church or to any Christian requesting to be bought from

the Jew, this shall be done, and the loss to the Jew made good according to just valuation.

31. If a Jew makes a proselyte called *Advena*[1] to be a Jew, or perverts one who has been converted to Christianity to the Jewish superstition, or associates with his female Christian slave (for carnal connection), or perverts to Judaism one born of Christian parents, under the promise of freedom, he is to be punished with the loss of (all) his slaves. If one born of Christian parents has apostatised to Judaism, and has obtained his freedom on condition of remaining a Jew, this shall not be valid, for he ought not to remain free, who, being born of Christian parents, wishes to adhere to Jewish usages.

32. If descendants of slaves (of the Church), after any length of time, are met with again at the place to which their ancestors belonged, they must be demanded back by the bishop, and remain in those relations which are indicated by the departed (forefathers). If a layman, from covetousness, opposes this (retains descendants of Church slaves for himself), he must be excommunicated. This canon is differently and, as I think, incorrectly interpreted by Canon Möhler in his treatise on slavery in the Tübingen *Quartalschrift*, 1834, p. 597, and in his collected writings, vol. ii. p. 128. Different again is the translation of Remi Ceillier (t. xvi. p. 736): "Les descendans des Esclaves seront obligés au service et aux charges, sous lesquels ceux dont ils descendent ont obtenu leur liberté (there is nothing in the text of their having obtained their liberty), quoiqu' il yait longtemps."

33. If anyone wishes to have a diocese (parish) in his domain, before all he must provide it sufficiently with landed property and clergy.

34. If anyone has received from the bishop the usufruct of landed property for his lifetime, he must not alienate from the Church that which he has saved out of it, and his relations must appropriate no part of it.

35. It belongs to the successor to a bishopric to decide whether the last will of his predecessor, in consequence of

[1] *Proselytus* nude pro *advena*, *hospes*. Cf. Du Cange, *Glossar. s.v.* t. v. p. 920.

which a cleric, during the vacancy of the see, has settled in the enjoyment of Church property, shall be held valid or not. The ordinary term of prescription has no application here.

36. If a bishop has let out ecclesiastical property to a strange cleric, it falls back after the death of this cleric to the Church again.

37. The metropolitans are annually to hold provincial Synods, that discipline and love may be maintained.

38. All bishops are required to obey these canons.[1]

Sec. 254. *Synods at Antioch and Gaza*, A.D. 542.

We met with the last controversy about Origen before this time, at the beginning of the fifth century, in the history of S. Chrysostom, and in the account of the Synods held on his account (see vol. iii. sec. 115). From this time onwards, for nearly a century and a half, this controversy rested; but there was growing up an ever stronger conviction of the heretical character of many of the doctrines of the great Alexandrian. Thus, for example, Pope Leo the Great assumed (Ep. 35, t. i. p. 881, ed. Ballerini) that Origen had been justly anathematised on account of his doctrine of the pre-existence of souls, and the Roman Synod of A.D. 496 blamed Eusebius because with Pamphilus he had written a defence of Origen (see above, sec. 217). Yet, it adds, "many of his books are to be read."

About the year 520, however, a new controversy broke out about Origen, in Palestine. Four monks of the new Laura, Nonnus at their head, were zealous Origenists, and were therefore expelled by their Abbot Agapetus. His successor Mennas restored them. On the other hand, S. Sabas, the superior of the monks of Palestine, personally made a journey (A.D. 530) to Constantinople, and demanded of the Emperor Justinian the expulsion of the Origenists. Before, however, the Emperor took any steps, Sabas died in 531, and Origenism extended still more widely among the monks of Palestine, particularly through two learned monks,

[1] Mansi, t. ix. p. 111; Hardouin, t. ii. p. 1435 sqq.; Sirmond, *Concil. Galliæ*, t. i. p. 260 sqq.; Bruns, *l.c.* p. 201 sqq.

Domitian and Theodore Ascidas. Both immediately gained the favour of the Emperor to such an extent, that he advanced them to episcopal chairs about the year 537. Domitian became bishop of Ancyra in Galatia, and Theodore Ascidas, archbishop of Cæsarea in Cappadocia (as successor of the well-known Sotericus); and both of them stayed a good deal at the imperial court.[1]

Supported by these two men, the Origenists obtained the upper hand in the Lauras, and drove out their opponents, the so-called Sabaites. Six of these, particularly Stephen and Timothy, appealed to the Patriarch Ephraim of Antioch, and he summoned, about the year 542,[2] a Synod to deal with this question at Antioch, as is shown by the principal authority for the history of the new Origenistic controversy, the priest Cyril of Scythopolis, in the biography of his teacher S. Sabas, in the words: "Ephraim promulgated a synodal decree in which he anathematised the doctrinal propositions of Origen.[3] The *Libellus Synodicus* also refers to the same Antiochene Synod with the brief remark, that Ephraim of Antioch, the archbishop of Syria, had, at a holy Synod, anathematised[4] the defenders of Origenist doctrines who had lately arisen in Palestine. All further particulars respecting the Synod are unknown, as its Acts are lost, and we only know through Cyril that the Origenists in Palestine, in order to take revenge on Ephraim, compelled the Patriarch Peter of Jerusalem to strike the name of his colleague of Antioch from the diptychs.

About the same time the Synod at Gaza in Palestine took place (541 or 542),[5] occasioned by a matter quite different and unconnected with Origenism. The Patriarch Paul of Alexandria had fallen under suspicion, as though, at his request, the imperial commander at Alexandria, Augustalis Rhodo, had privately murdered Psoius the deacon and steward

[1] Cf. on these men, Walch, *Ketzerhist.* Bd. vii. S. 651 sq.

[2] Cf. the dissertation of Mansi, *De Synodis in Origenistas*, in t. ix. p. 707 of his *Collect. Concil.*

[3] Cyrilli *Vita S. Sabæ* græce et lat. c. 85, in Coteler, *Monim. eccl. græcæ*, t. iii. p. 365. Extracted by Walch, *Ketzerhist.* Bd. vii. S. 626.

[4] Mansi, t. ix. p. 23; Hardouin, t. v. p. 1534.

[5] Mansi, t. ix. p. 706.

of the Alexandrian Church. On receiving intelligence of this the Emperor Justinian sent Liberius as his representative to Egypt, to examine the matter; and Rhodo declared at the examination that the Emperor had ordered him to do everything that the bishop required, and that he had murdered that deacon at the command of the bishop. Bishop Paul denied that he had given such a command to Rhodo, and it was proved that it was not the bishop, but a certain Arsenius, a distinguished resident of Alexandria, who, in connection with Rhodo, had brought about that murder. Arsenius was therefore immediately executed, but Rhodo was sent to the Emperor with the documents of the examination, and was by him condemned to death. As, however, Bishop Paul of Alexandria did not seem entirely without blame, the Emperor Justinian sent the Roman deacon Pelagius, who still remained at Constantinople as legate (Nuntius), to Antioch, in order that, in communion with Ephraim, the patriarch of that place, and other bishops of distinction, they might complete the deposition of the Alexandrian. Pelagius, Ephraim, Peter, patriarch of Jerusalem, Hypatius of Ephesus, and a good many other bishops assembled, as Liberatus relates (*Breviar.* c. 23, in Galland. t. xii. p. 158), at Gaza, deprived Paul of the pallium, deposed him, and ordained Zoilus in his stead.

Sec. 255. *The Edict of Justinian against Origen.*

On the return from Gaza and Constantinople the Roman representative Pelagius fell in with monks from Jerusalem who had with them extracts from the writings of Origen, and wanted to obtain from the Emperor a sentence of condemnation against him.[1] Pelagius and the Patriarch Mennas of

[1] So it is related by Liberatus in his *Breviar.* c. 23. As, however, Cyril of Scythopolis (*l.c.* c. 85) relates that the Patriarch Peter of Jerusalem had sent, by two monks, Sophronius and Gelasius, an accusation against Origen, and had transmitted the same to the Emperor, so we may rightly assume that Liberatus and Cyril here relate the same fact. Only Walch (*Ketzerhist.* Bd. vii. S. 668 sq. Anm. 2) doubts it. This accusation against Origen, drawn up by Sophronius and Gelasius, must not be confounded with one, almost a decade later, which proceeded also from Palestinian monks, Conon, Eulogius, etc. (cf. Mansi, t. ix. p. 707). Evagrius in his *Church History*, iv. 38, has occasioned great confusion by confounding these two.

Constantinople upheld them in this matter, and Justinian promulgated the edict against Origen, which afterwards became so famous.[1] This copious theological document was first published by Baronius in Latin (*ad ann.* 538, n. 34 sqq.). Later on Lupus made the Greek text known, and it was embodied in the Acts of the fifth Œcumenical Synod.[2] That copy of the edict which has come to us was addressed to the Patriarch Mennas of Constantinople, and the Emperor declares in it, at the very beginning, that it was his highest care to preserve the faith pure and the Church in peace. But, alas! he had been forced to learn that some ventured to defend the errors of Origen, which were similar to the heathen, Arian, and Manichæan doctrines. One who followed such a man as Origen could scarcely be still called a Christian, for he, blaspheming the Holy Trinity, had maintained that "the Father is greater than the Son, and the Son greater than the Holy Ghost: That the Son could not behold the Father, nor the Spirit the Son: That the Son and the Spirit are creatures, and that the Son is related to the Father as we to the Son."

The Emperor further adduces the other leading errors of Origen (pre-existence, apokatastasis, plurality of worlds, etc.), and opposes to them a very thorough refutation with the insertion of many patristic passages from Gregory of Nazianzus, and of Nyssa, Chrysostom, Peter of Alexandria, Athanasius, Basil, Cyril of Alexandria, etc., who had all spoken decidedly in the rejection of Origen's teaching. As, the Emperor proceeded, he was now desirous of removing all offence from the Church, he, following the Holy Scriptures, and the Fathers who had repudiated Origen, had addressed this letter to His Holiness (Mennas), advising him to hold a Synod of the bishops present in Constantinople and the presidents of convents (*σύνοδος ἐνδημοῦσα*), and procure in writing an anathema on Origen and his errors, and particularly on those propositions of his appended to the imperial decree.

Mennas was requested straightway to send copies of the Acts of this Synod to all other bishops and heads of

[1] Liberat. *Breviar.* c. 23, *l.c.*

[2] Mansi, t. ix. pp. 487–534: Hardouin, t. iii. pp. 243–282.

monasteries, so that they too might subscribe the anathema on Origen and his errors. In the future, too, no one was to be ordained bishop or head of a monastery unless to the customary anathema on the heretics Sabellius, Arius, Apollinaris, Nestorius, Eutyches, Dioscurus, Timothy Ælurus, Peter Mongus, Anthimus of Trapezont (also of Constantinople), Theodosius of Alexandria, Peter of Antioch, Peter of Apamea, and Severus of Antioch, he should add also an anathema on Origen.

The Emperor stated that he had written the same to the Patriarch Vigilius, the Pope of Old Rome, as well as to the other holy patriarchs—namely, of Alexandria, Theophilus (of Antioch), and of Jerusalem, that they might also take precautions in this matter. So that at last all might see that the writings of Origen were heretical, he had appended only a few of his blasphemies in the appendix. These are twenty-four propositions from his book περὶ ἀρχῶν, particularly from the first and fourth. This being so, the Emperor concludes, it was reasonable that Origen should be anathematised, and in the following ten propositions:[1]—

1. Whoever says or thinks that human souls pre-existed, *i.e.* that they had previously been spirits and holy powers, but that, satiated with the vision of God, they had turned to evil, and in this way the divine love in them had grown cold (ἀποψυγείσας), and they had therefore become souls (ψυχάς), and had been condemned to punishment in bodies, shall be anathema.

2. If anyone says or thinks that the soul of the Lord pre-existed and was united with God the Word before the Incarnation and Conception of the Virgin, let him be anathema.

3. If anyone says or thinks that the body of our Lord Jesus Christ was first formed in the womb of the holy Virgin, and that afterwards there was united with it God the Word and the pre-existing soul, let him be anathema.

4. If anyone says or thinks that the Word of God became like to all heavenly orders, so that for the cherubim He was a cherub, for the seraphim a seraph; in short, like all superior powers, let him be anathema.

[1] Nicephorus Callisti (*Hist. Eccl.* xvii. 27) explains these erroneously as canons of the fifth Œcumenical Synod, so that several have supposed that the fifth Œcumenical Synod repeated these anathematisms of Justinian.

5. If anyone says or thinks that, at the resurrection, human bodies will rise in spherical form and unlike our present form, let him be anathema.

6. If anyone says that the heaven, the sun, the moon, the stars, and the waters that are above the heavens, have souls, and are reasonable beings,[1] let him be anathema.

7. If anyone says or thinks that Christ the Lord in a future time will be crucified for demons as He was for men, let him be anathema.

8. If anyone says or thinks that the power of God is limited, and that HE created as much as HE was able to compass, let him be anathema.

9. If anyone says or thinks that the punishment of demons and of impious men is only temporary, and will one day have an end, and that a restoration (ἀποκάστασις) will take place, let him be anathema.

10. Anathema to Origen and to everyone who teaches and maintains the like doctrine.

Whether the Emperor Justinian himself drew up this edict, or the papal legate Pelagius and the Patriarch Mennas were the real authors, as Baronius (*ad ann.* 538, n. 32) supposed, may reasonably remain undecided. The question of ecclesiastical authority, as to whether the Emperor was entitled or not to issue an edict of this kind, belongs to another department. It seems to me that we have here before us one of those many and great, even if well-meant, Byzantine encroachments, which does not disappear even when we assume that the Emperor acted in agreement with Mennas and Pelagius. The promulgation of this decree falls after the Synod of Gaza, probably in the year 543, as the Ballerini, in their appendices to the Works of Cardinal Noris, made probable;[2] whilst Baronius thought we should decide for the year 538, Garnier for 539 or 540.

[1] Paganinus Gaudentius, as Hardouin, Mansi, and others have already remarked, has λογικάς instead of ὑλικὰς δυνάμεις. Cf. below, sec. 257, the third anathematism on Origen.

[2] *Defensio dissertationis Norisianæ de Synodo V. adversus dissertationem Patris Garnerii*, in Noris, *Opp.* ed. Baller. t. iv. p. 990.

Sec. 256. *Synod at Constantinople on account of Origen,* A.D. 543.

Undoubtedly the Patriarch Mennas did not fail to hold without delay the *σύνοδος ἐνδημοῦσα* which the Emperor had desired, probably in the same year, 543, and Justinian probably addressed to this assembly that letter, still extant, in which he derives the errors of the Palestinian monks from Pythagoras, Plato, and Origen, and briefly sums them up. On account of these dangerous errors and follies, the assembled Fathers were requested, after careful weighing of the appended exposition (probably identical with the imperial letter to Mennas), to anathematise all those propositions, and also Origen and all who agreed with him.[1]

Sec. 257. *The Fifteen Anathematisms on Origen.*

To this Constantinopolitan Synod of the year 543, without doubt, belong also the fifteen celebrated anathematisms on the same number of propositions of Origen, discovered, towards the end of the seventeenth century, by the celebrated librarian of Vienna, Peter Lambeck, among the ancient manuscripts of the library, and which had become incorporated in all the collections of Councils.[2]

To these fifteen anathematisms in the Vienna Codex these words were prefixed: *Τῶν ἁγίων ρξε'* (= 165) *πατέρων τῆς ἐν Κωνσταντινουπόλει ἁγίας πέμπτης συνόδου κανόνες.* In consequence, at first there was no hesitation in assigning them to the fifth Œcumenical Synod, especially as several of the ancients declared that the latter did actually anathematise Origen. Basing upon this, even in later times, the brothers Ballerini, in particular, have ascribed the fifteen anathematisms to the fifth Œcumenical Council, whilst Cave (*Historia Litteraria, ad ann.* 541, p. 363, ed. Genev. 1705), Dupin

[1] Mansi, t. ix. pp. 534–538; Hardouin, t. iii. p. 282 sq. The Ballerini and others thought that the Emperor had addressed this letter first to the fifth Œcumenical Synod. They would not allow the name of a Synod to the assembly under Mennas. Norisii *Opp.* ed. Baller. t. iv. p. 994.

[2] Hardouin, t. iii. p. 283 sqq.; Mansi, t. ix. p. 395 sqq.

(*Nouvelle Bibliothèque*, t. v. p. 204, ed. Mons, 1691), Walch (*Ketzerhist.* Bd. vii. S. 661 ff., Bd. viii. S. 281 ff.), Döllinger (*Lehrbuch der Kirchengesch.* i. 156, 158) assign them to the earlier Constantinopolitan Synod under Mennas (A.D. 543). Full certainty in this matter can no longer be attained; but we believe that we come near the truth in the following remarks:—

(*a*) It is true that a series of ancient writers suppose that the fifth Œcumenical Council also anathematised Origen; but, as we shall see later on, in the history of that Council, there is only this much credible in the statement, that, in their eleventh anathematism, they repudiated Origen among others; but that they dealt in any detailed manner with Origen, and drew up (fifteen) special propositions against him, is most probably incorrect.

(*b*) Whoever wishes to maintain this, can appeal only to the superscription of the codex at Vienna and to Evagrius (*Hist. Eccl.* iv. 38). That this superscription is of much value no one will maintain; but Evagrius also in this case is a witness of no importance. He interchanges the earlier accusations against Origen, drawn up by Sophronius and Gelasius, with the later, presented by Eulogius, Conon, etc. (cf. above, sec. 255, note 1); and is therefore constrained to remove the Synod which was occasioned by the earlier accusation to a later period (the σύνοδος ἐνδημοῦσα of A.D. 543). He therefore identified it with the fifth Œcumenical Council. Of the latter he then says: "They appended to their letter to the Emperor articles containing the heresies of the Origenists." He then gives one of these articles, the fifth, verbally, as follows: "Theodore Ascidas of Cappadocia maintained that, as the apostles and martyrs already do such miracles, and enjoy such honour, what could they desire for an apocatastasis, but to be like Christ Himself at the apocatastasis?"

This proposition we shall seek in vain among the fifteen in question. Indeed there is not one like it among them, and it is therefore clear that the passage in Evagrius contains no proof for *our* fifteen propositions, particularly as no mention there is made of *fifteen*. How it is, in other respects,

important for us, we shall see further on. Evagrius further tells us of the condemnation of Origen, and of his propositions in connection with the letter of the Emperor Justinian to Mennas, Vigilius, and the other patriarchs, on which account Valesius even in his time, in his notes to this passage in Evagrius, gave expression to the supposition that he had confounded the decrees of the Synod of Constantinople under Mennas (A.D. 543, or as Valesius thought, 538) with those of the fifth Œcumenical Synod; and we agree with him in this the rather that other ancient documents, *e.g.* the minutes of the Constantinopolitan Synod of A.D. 536, were erroneously appended to the Acts of the fifth Œcumenical Synod. Cf. Du Pin, *l.c.*

(*c*) We certainly possess no strong and decisive proof that the fifteen anathematisms belong to the Constantinopolitan Synod of the year 543; but some probable grounds for the opinion may be adduced—

α. It is, for example, beyond doubt, and attested[1] by Liberatus and Secundus, two contemporaries, that the edict of the Empeor Justinian to Mennas of Constantinople, Vigilius of Rome, Zoilus of Alexandria, Ephraim of Antioch, and Peter of Jerusalem, was subscribed by these patriarchs, and specially by the bishops assembled at Constantinople with Mennas, *i.e.* at the σύνοδος ἐνδημοῦσα demanded by the Emperor, and at the same time anathema was pronounced upon Origen and his propositions. Facundus, in particular, says that the condemnation of Origen was repeated (*iterata*), *i.e.* as at Constantinople, so at Rome, Alexandria, etc.[2]

β. Whilst thus demonstrably and quite in accordance with the nature of the case, anathematisms were pronounced upon Origen at the σύνοδος ἐνδημοῦσα called on his account, it is not absolutely certain that, at the fifth Synod also, there were only transactions of a general kind on the subject of Origen. Of this there is no trace in the Acts of the Synod, except in a single passage (canon 11, sess. iv., see below),

[1] Liberat. *Breviar.* c. 23, *l.c.*; Facundus, *Defensio trium capitum*, lib. i. c. 2, in Galland. *Biblioth. PP.* t. xii. p. 667.

[2] Liberat. *Breviar.* c. 23; Facundus, *Defensio trium capitum*, lib. i. c. 2.

and this is critically suspicious.[1] In this connection it is very significant that Popes Vigilius and Pelagius, who lived at that very time, and Gregory the Great, who is only a little later, speak at length of the decrees of the fifth Œcumenical Synod, but make not the least reference to a decree of that Synod against Origen.[2]

γ. It is certainly most improbable that the fifth Œcumenical Council drew up fifteen anathematisms against Origen, since the celebrated Origenist, Theodore Ascidas, was not only present at this Council, but was of the greatest influence there, and, in fact, was the real originator of it.

δ. When, further, we compare the fifteen anathematisms against Origen with those which are found at the close of the imperial letter to Mennas and the other patriarchs, and which were recommended for acceptance, there is a visible similarity between them; and the fifteen seem to be nothing else than a more complete copy of the ten anathematisms of the Emperor, adopted by the *σύνοδος ἐνδημοῦσα* (of the year 543).

ε. Certainly, if we took for granted that the *σύνοδος ἐνδημοῦσα* at Constantinople had done nothing further than give a simple subscription of the imperial edict, and of the anathematisms laid before them, one could scarcely understand why they had drawn up the fifteen now in question. But the Synod went more fully into the matter, as was its duty, and censured the heresies of Origen in a more exact and complete manner. If this is in itself probable, it is also testified by Evagrius, in the passage already frequently referred to, where we find several important remarks on our Synod hitherto little regarded, that they first declared their rejection of Origen and his adherents by acclamation, and, moreover, sent a synodal letter to the Emperor, of which Evagrius gives us three fragments. The first contains, by way of introduction, the courteous address to the Emperor: "As thou dost possess

[1] Cf. Walch, *Ketzergesch.* Bd. viii. S. 284 f.

[2] Cf. the writings on the subject of the Popes, in Mansi, t. ix. p. 58 sqq., and p. 61 sqq., p. 433 sqq.; and Gregory the Great, *Ep. ad Joann. Constantinop.* lib. i. c. 25, towards the end, in Migne, ed. *Opp. S. Gregor. M.* t. iii. p. 478. Cf. Walch, *Ketzerhist.* Bd. viii. S. 288 f. S. 93, 95, and 106. Even Valesius, in his notes to Evagrius, made partial reference to this point.

a participation in the soul of the heavenly eagle, most Christian Emperor." The second runs: "We thus flee, yea we flee from these doctrines (of Origen); for we know not any strange voice, and we have bound him, as a thief and a robber, with the bonds of anathema, and have cast him out of the sanctuary." Finally, the third fragment says: "The contents of that which we have done, thou wilt learn from our written communication."

It can scarcely be doubted that this synodal letter, here given by Evagrius, had the fifteen anathematisms, as the principal part of the synodal decrees, connected with it or appended to it. Evagrius, too, speaks of an appendix, which contained the errors of the Origenists, and which communicates to us the heretical utterance of Theodore Ascidas, with which we are already acquainted, as fifth proposition. That this was not found among the fifteen anathematisms has already been remarked. But how do we solve the apparent difficulty? The fifth proposition in question from Theodore Ascidas is, properly considered, no anathematism, and we may with probability assume that, as the imperial edict to Mennas (and the Synod) consisted of three parts: the letter proper, twenty-four passages from Origen, and ten anathematisms, in like manner the answer of the Synod would be in three parts: (1) the synodal letter; (2) quotations from writings and utterances of Origen and the Origenists (among them Ascidas, whom the Palestinian monks had specially denounced, and to whom the Synod had every reason for here referring, in order to weaken his influence at Court), and (3) anathematisms.—By this assumption, and the explanations already given, we think we have removed the difficulties, and brought order into the whole subject. The fifteen celebrated anathematisms are as follows:—

1. If anyone maintains the legendary pre-existence of souls and the fanciful apocastasis (restitution of all things), let him be anathema.

2. If anyone says that the rational creation (*παραγωγή*) has arisen from merely incorporeal and immaterial spirits (*νοαί*) without number and name, so that an identity of all has come about by the likeness of being, power, and energy,

as by their (like) unity with the Word of God, and (their like) knowledge of Him; but that they had become satiated with the vision of God, and had turned to that which was worse, everyone according to the nature of his inclination, and had assumed bodies, finer or grosser, and received names, whilst, among these powers there was a difference both of names and of bodies; so that some would be and be named cherubim, some seraphim, principalities, powers, dominions, and thrones, and angels, and however many heavenly orders there may be,—let him be anathema.

3. If anyone says that the sun, the moon, and the stars belong to that unity of rational beings, and through their turning to the worse have become what they are, let him be anathema.

4. If anyone says that spiritual beings, in whom divine love grows cold, are covered in grosser bodies like ours and called men, whilst others who reached the summit of evil had received cold and dark bodies, and are called now demons and evil spirits, let him be anathema.

5. If anyone says that, as of angels and archangels souls are made, and from souls demons and men, so from men again angels and demons come; and every class of the heavenly powers consists either altogether of that which is above or that which is below, or from both together,—let him be anathema.

6. If anyone maintains that there are two kinds of demons, the one consisting of human souls, the other of higher, but so deeply fallen spirits, and that of the whole number of rational beings only one Spirit remained unaltered in the divine love and vision, and that this one became Christ, and King of all rational beings, and created all bodily things, the heaven and the earth, and whatever is between them;[1] and whoever says that the world has come into existence, since it has elements in itself which are older than itself, and which consist for themselves,—namely, the dry, the moist, the

[1] Παραγαγεῖν can in no way be translated, as it has hitherto been, by *prætergressus* or "passed over": "That Christ has gone over to all corporeity on heaven and earth," which gives no sense. Παράγειν means here, like παραγωγή in the second anathematism, *creare*, *producere*, "create," "bring into existence." Suicer, in his *Thesaurus*, completely overlooked this. Cf. Stephani, *s.vv.* παράγω and παραγωγή.

warm, and the cold, and the pattern (*ἰδέαν*) according to which it (the world) is made,—and that not all the holy and consubstantial Trinity, but the *νοῦς δημιουργός*, who is older than the world, and gave it its being, has constituted it by making it become (*i.e.* made it out of those elements),—let him be anathema.

7. If anyone says that Christ—of whom it is said that He appeared in the form of God, and before all times was united with God the Word, and was in these last days humbled to our humanity—did, as they say, compassionate the manifold ruin of that unity of Spirits (to which He also belonged), and in order to bring them back, passed through all orders, took different bodies and received different names, became all to all, among angels an angel, among powers a power, received among the different orders of rational beings a corresponding form, then received flesh and blood like us, and became a man for men,—whoever says this, and does not confess that God the Word humbled Himself and became man, let him be anathema.

8. If anyone does not confess that God the Word, who is of one substance with the Father and the Holy Ghost, and was incarnate and made man—one of the Trinity—is Christ in the proper sense, but (maintains) that He (the Word) was named Christ only by abuse (*καταχρηστικῶς*) on account of the *Nous* (created Spirit) which humbled itself; that this was united (*συνάπτω*) with God the Word and is Christ in the proper sense; and that the Word, on account of this union with this *Νοῦς* is called Christ, and that He, the *Nous*, for that reason, is called God,—whoever maintains this, let him be anathema.

9. If anyone maintains that it was not the Word of God made flesh by assumption of a flesh animated by the *ψυχὴ λογική* and *νοερά*, who went down into Hades and again returned into heaven, but says that this was done by the so-called (by them) *Νοῦς*, of whom they impiously assert that He is Christ in the proper sense, and has become so through knowledge of the Unit,—let him be anathema.

10. If anyone maintains that the body of the Lord, after the resurrection, is ethereal and spherical in form, and that

the other resurrection bodies will be so also, and that after Christ laid aside His true body—and so with all other men —the corporal nature passes into nothing, let him be anathema.

11. If anyone says that the future judgment brings the annihilation of the body, and that the end of the story is the immaterial φύσις, and that in future there will be nothing material, but only mere spirit, let him be anathema.

12. If anyone says that the heavenly powers and all men and the devil and evil spirits unite themselves with the Word of God in precisely the same manner as does that *Nous* whom they call Christ, and who bears the form of God, and, as they say, humbled Himself; and whoever maintains that the kingdom of Christ will have an end,—let him be anathema.

13. If anyone says that Christ (that *Nous*) is not at all different from the other rational beings, and that neither in substance, nor in respect of knowledge, nor in power and energy, exceeds all others, but that all will stand at the right hand of God, like the so-called (by them) Christ, let him be anathema.

14. If anyone maintains that one day all rational beings will again form a unit, when the individuals and the numbers are removed with the bodies; and that the destruction of the worlds and the laying aside of the bodies will follow upon the knowledge of rational things, and that the abandonment of names and an identity of knowledge and person will result; further, at the fabled apocatastasis only spirits alone will remain, as it was in the feigned pre-existence,—let him be anathema.

15. If anyone says that the life of spirits will then be like the earlier life when they had not yet descended and fallen, so that the beginning and the end will be like each other, and the end the measure for the beginning, let him be anathema.[1]

[1] Mansi, t. ix. p. 395 sqq.; Hardouin, t. iii. p. 283 sqq.

BOOK XIV.

THE CONTROVERSY OF THE THREE CHAPTERS AND THE FIFTH ŒCUMENICAL SYNOD.[1]

CHAPTER I.

EVENTS PRECEDING THE OPENING OF THE FIFTH SYNOD.

Sec. 258. *Origin of the Controversy of the Three Chapters.*

IN order to divert the Emperor Justinian and also, as Evagrius adds (iv. 37), the theologians of that period from the persecution of the Origenists, Theodore Ascidas, archbishop of Cæsarea in Cappadocia, of whom we have already heard, stirred up the controversy of the three chapters.

[1] Of the copious literature on the controversy of the three chapters and the fifth Œcumenical Synod, the following treatises deserve special mention: (1) The comprehensive *Dissertatio Historica de Synodo quinta* of the Augustinian and Cardinal Henry Noris, published first at Padua, A.D. 1673, in connection with his celebrated *Historia Pelagiana*, and afterwards printed repeatedly, best in the first volume of the edition by the Ballerini of the collected works of Cardinal Noris, Verona 1729, pp. 550–820. There is a certain connection between the *Dissertatio* and the *Historia Pelagiana*. The Augustinian Noris wanted to show his antipelagian zeal, not only in the *Historia Pelagiana*, but it concerned him greatly to prove that the real originator of Pelagianism, Origen, had been anathematised by the fifth Œcumenical Synod. The Jesuit Peter Halloix had denied this in his work, *Origines defensus, sive Origenis Adamantii Presb., amatoris Jesu, vita, virtutes, documenta, item veritatis super ejus vita, doctrina, statu, exacta disquisitio, ad sanctissimum D. N. Papam Innocentium X.* (Liège in fol. 1648); and in his defence had severely attacked the fifth Œcumenical Synod. To him Noris opposed his great and most learned treatise, in order to defend the credit of the Synod, to prove its confirmation by several Popes, to put in a clear light many particulars, especially chronological points in regard to the controversy of the three chapters; chiefly, however, to prove that

Although a leader of the Origenists at that time, yet in order that he might not lose his position and influence at Court, where he resided almost continually, he had assented to the rejection of Origen; but self-preservation now bid him give a different direction to the Emperor's passion for dogmatising. When Justinian was occupied with the notion of drawing up an extensive document with the view of reuniting the Acephali, a sect of the Monophysites, to the Church (see vol. iii. sec. 208), Ascidas, together with some friends, represented to him that there was a much shorter and surer way to that end, and it might spare him the trouble of a lengthy treatise, if he would only pronounce an anathema on Theodore of Mopsuestia and his writings, on the letter of Bishop Ibas of Edessa to the Persian Maris, and, finally, on those writings of Theodoret which had been put forth in

Origen was twice anathematised by the fifth Œcumenical Synod, the first time *alone, before* those eight sessions in which the matter of the three chapters was treated, the Acts of which alone are still extant; the second time, *after* those eight sessions, and this time in connection with two of his principal adherents, Didymus the Blind and the deacon Evagrius, a friend of Basil the Great and Gregory Nazianzen. (2) In opposition to Noris, the Jesuit John Garnier wrote his *Dissertatio de V. Synodo*, and appended it to his edition of the *Chronicon Liberati*, Paris 1675, 8vo (reprinted in the twelfth volume of Gallandi, *Bibl. Patrum*, p. 163 sqq.). He afterwards revised this treatise once more, and inserted it with many other dissertations in his edition of the works of Theodoret, in the *Actuarium Operum Theodoreti*, published after his death by Hardouin, reprinted in the fifth volume of Schulze's edition of the works of Theodoret. Much in this treatise of Garnier's is very acute, something also correct, but many statements are rash, arbitrary, and inaccurate, and on the whole it is seen to be written in a spirit of opposition to Noris. (3) In defence of Noris against Garnier came forth the learned priests of Verona, the two brothers Ballerini, countrymen of Noris, in a *Defensio dissertationis Norisianæ de Synodo V. adversus dissertationem Patris Garnerii*, in the fourth volume of their edition of the works of Cardinal Noris, pp. 985–1050. They also elucidated the history of the controversy of the three chapters in the third book of their *Observationes* to the works of Noris (in the fourth volume of the works of Cardinal Noris, p. 945 sqq.), and in their treatise, *De Patriarchatus Aquileiensis origine* (*ibid.* p. 1051 sqq.). With great expansion, but also with tasteless discursiveness, and breaking up the matter, Walch treated the controversy of the three chapters in the eighth volume of his *History of Heresies*, S. 4–468. (5) Noel Alexander gave an extract from Noris in the dissertations on the sixth century in his *Historia Ecclesiastica*, t. v. pp. 436–454, ed. Venet. 1778, fol. (6) To this belongs also the later monograph of Dr. Punkes (afterwards professor at the archiepiscopal seminary at Freising), *Papst Vigilius und der Dreicapitelstreit*, München 1865.

defence of Nestorius and against Cyril and the Synod of Ephesus.[1] This suggestion, which, as Liberatus indicates (*l.c.*), was supported by the Empress Theodora, who had Monophysite tendencies, was not without favouring circumstances, for, in fact, the Severians had declared, in the religious conference, A.D. 533 (see vol. iii. sec. 208, and above, sec. 246), that one of the reasons why they could not accept the Council of Chalcedon was that Ibas and Theodoret were there declared to be orthodox.[2] The Emperor entered into the proposal and issued an edict, in which he pronounced the threefold anathema required, and thus provoked the controversy of the three chapters.

By *κεφάλαια*, *Capitula*, were generally understood some propositions drawn up in the form of anathematisms, which threatened with excommunication everyone who maintained this or that. Thus the twelve well-known anathematisms of Cyril were constantly entitled his twelve *κεφάλαια*. Similar *κεφάλαια* were also contained in the edict which the Emperor Justinian now issued. We see this partly from the few fragments of it still extant (see below in this section), and also from a quite similar later edict, the *ὁμολογία πίστεως Ἰουστινιανοῦ αὐτοκράτορος κατὰ τριῶν κεφαλαίων* (see below). In the latter he says: "He wishes to draw up only a few *κεφάλαια* in the interest of the orthodox faith," and among these the most interesting are *κεφάλαια* 12 to 14, as follows: "Whoever defends Theodore of Mopsuestia . . . let him be anathema"; "Whoever defends certain writings of Theodore . . . let him be anathema"; and "Whoever defends the impious letter written by Ibas . . . let him be anathema." Three *κεφάλαια* quite similar to these seem to have been contained in the first edict of the Emperor (on this subject), which is now lost; and we see from this in what sense the expression "*τρία κεφάλαια*," or "three chapters," was originally to be understood. To be exact, we should have to say: "Whoever obeys the imperial edict, subscribes the *τρία*

[1] This is related by the contemporary Liberatus, archdeacon of Carthage, in his *Breviarium causæ Nestorianorum et Eutychianorum*, c. 24; in Galland. *Biblioth. Patrum*, t. xii. p. 160; also in Mansi, t. ix. p. 699.

[2] Mansi, t. viii. p. 829; Hardouin, t. ii. p. 1170.

κεφάλαια; whoever does not, rejects them"; but the expression did not attain to this form; but rather by the τρία κεφάλαια quite generally, not those *three propositions*, but the *persons and writings* designated in them: and when we meet with the expression τρία κεφάλαια, or *tria capitula*, in the later imperial edicts, in the minutes of the fifth Œcumenical Synod, in papal and other letters, we understand by this: (1) the person and writings of Theodore of Mopsuestia; (2) the writings of Theodoret for Nestorius and against Cyril and the Synod of Ephesus; and (3) the letter of Ibas to the Persian Maris. The fifth Œcumenical Synod, in its closing sentence, thus declares: "Prædicta igitur tria capitula anathematisamus, id est, Theodorum impium Mopsuestenum cum nefandis ejus conscriptis, et quæ impie Theodoritus conscripsit, et impiam epistolam, quæ dicitur Ibæ."[1] To a similar effect the Emperor Justinian expresses himself in that decree which was read at the first session of the fifth Council: "That he had consulted the bishops respecting the *impia tria capitula*, and that these *impia tria capitula* were nevertheless by many defended."[2] In the letter of Pope Vigilius to Bishop Eutychius of Constantinople, in which he gave his approval to the fifth Œcumenical Council, we read: τὰ προειρημένα τοίνυν τρία ἀσεβῆ κεφάλαια ἀναθεματίζομεν καὶ κατακρίνομεν, τοῦτεστι τὸν ἀσεβῆ θεόδωρον, κ.τ.λ.[3] Facundus, bishop of Hermiane, in Africa, a contemporary of these events and a zealous opponent of the imperial edict, named his extensive treatise in defence of Theodore, etc., *Libri xii. pro defensione trium capitulorum*;[4] and Liberatus (*l.c.*) relates that the Emperor had demanded the *damnatio trium capitulorum*. Thus by *tria capitula* are generally understood, not the three propositions of the imperial edict, but the well-known three points, Theodore and his writings, some writings of Theodoret, and the letter of Ibas. Only in the ὁμολογία of the Emperor, and probably in his first edict, was the original meaning of the κεφάλαια maintained. In the present superscription,

[1] Mansi, t. ix. p. 376; Hardouin, t. iii. p. 194.
[2] Mansi, *l.c.* p. 181; Hardouin, *l.c.* p. 56 sq.
[3] Mansi, *l.c.* p. 417; Hardouin, *l.c.* p. 216.
[4] Galland. *Biblioth. Patrum*, t. xi. p. 665 sqq.

probably not original, of the work of Facundus,[1] as in the *Chronicle* of S. Isidore of Seville, we meet with the expression, *tria Chalcedonensis concilii capitula*;[2] and this has been translated by several scholars as "three decrees of the Council of Chalcedon"; others, with greater probability, "three questions which were discussed in that Synod."[3] But, in the first place, whilst at Chalcedon there were discussions on Ibas and Theodoret, there were none respecting Theodore of Mopsuestia, nor was any decree on him put forth. Besides, no decrees of Chalcedon were ever put forth with the predicate *impia capitula*, or ἀσεβῆ κεφάλαια. That this statement and translation is not admissible is finally shown by this, that the Emperor Justinian, Pope Vigilius, and all who rejected the three chapters, expressly declared that they had not in the least impugned the decrees of Chalcedon.

How it was, however, that these three chapters could become the subject of a violent controversy, will be understood when we consider more closely the three men around whose persons or writings the controversy was carried on. We have already seen (vol. iii. sec. 127) that Bishop Theodore of Mopsuestia, formerly a priest at Antioch, was the head of that Syrian theological school which, in opposition to Apollinarianism, endeavoured to hold fast, in a new way, the truth of each of the two natures of Christ. The ecclesiastical term "Incarnation of God" appeared to him dangerous, as though it taught a change of God the Word into a man; and for this reason he wished to recognise only an *indwelling* or ἐνοίκησις of the Word in a man, and thereby divided the *one* Christ into *two*, into the man and the dwelling in Him, or, into the temple and the God who dwelt in it. Thus Theodore of Mopsuestia was the real father of that heresy which received its name from one of his disciples, Nestorius. Theodore had died before the Nestorian controversy broke out (A.D. 428),[4] and this is undoubtedly the reason why the third

[1] Cf. Walch, *Ketzerhist.* Bd. viii. S. 438.

[2] Cf. Noris, *De Synodo*, v. t. 1, *Opp.* ed. Baller. p. 690.

[3] Cf. Ernesti, *Neue theolog. Bibliothek*, Bd. vii. S. 737.

[4] Not in the year 427. Cf. Ballerini, *Defensio dissertationis Norisianæ*, c. 6, in Noris, *Opp.* ed. Baller. iv. 1025.

Œcumenical Synod at Ephesus condemned Nestorius, and made no reference to Theodore of Mopsuestia (see vol. iii. sec. 134). In the same way his writings were spared, when the Emperor Theodosius II. had those of Nestorius burnt.[1] Taking advantage of this circumstance, the confessed and secret Nestorians hastened to circulate the books of Theodore and those of the still earlier Diodorus of Tarsus, his master, and to translate them into Syriac, Armenian, and Persian. The principal seat of this movement was Edessa in Mesopotamia, in consequence of which, in the year 435, the bishop of this city, Nabulas, felt himself obliged to point out Theodore of Mopsuestia publicly as the real father of the Nestorian heresy, and to draw the attention of all his colleagues to this fact. Several of these were of a different view, and ascribed the action of Nabulas to personal resentment. The great Cyril of Alexandria, on the contrary, and the celebrated Proclus of Constantinople, recognised the correctness of the contention of Nabulas, and issued memorials warning against the errors of the Mopsuestian. They demanded an anathema to be pronounced upon him; and Cyril turned to the Emperor for this purpose.

Along with these orthodox opponents of Theodore, however, there appeared also, at the same time, monks and Armenians of Monophysite tendencies as accusers, and pointed out many orthodox statements of his as heresies. This caused Cyril and Proclus on the other side to defend the Mopsuestian, and to abstain from the demand for an anathema. Theodosius II. also issued an edict to the effect that the peace of the Church should be maintained, and that it should not be allowed that men who had died in the communion of the Catholic Church should be blackened (see vol. iii. sec. 160). Thus, for the time, the controversy was kept under, but not settled, and was therefore sure to break out again on the first opportunity. It was natural that the Monophysites should come forward from the beginning as violent opponents of the

[1] See above, vol. iii. sec. 160. In the original text of the imperial decree only the books of Nestorius are condemned to the fire, but in the text which is given among the Acts of the fifth Œcumenical Synod the writings of Theodore have the same punishment inflicted upon them.

Nestorian Theodore. Even Eutyches had accused him and Diodorus of Tarsus of heresy (see vol. iii. sec. 171), whilst the Nestorians honoured the Mopsuestian as one of the greatest teachers, and do so to this day. The judgments of the orthodox theologians were doubtful. On the one side, they could not deny the relationship between Theodore and Nestorianism; on the other hand, however, they would not go against what had been done by Cyril and the Emperor Theodosius II., and the fourth Œcumenical Synod of Chalcedon let it pass, without any remark in the way of correction, when, at their tenth session, that passage from the letter of Ibas was read, in which he said: "The tyrant of Edessa (Bishop Nabulas), under the pretext of religion, has persecuted even the dead, *e.g.* the late Theodore (of Mopsuestia), this herald of the truth and teacher of the Church," and so forth (see sec. 196 in vol. iii.). When the Emperor Justinian, a hundred years afterwards, demanded an anathema upon the person and writings of Theodore, the one party might regard this as well founded, whilst the other could think it was wrong at so late a period to anathematise a bishop who had died in Church communion more than a hundred years ago; besides that, the reputation of the Council of Chalcedon must in that way suffer.

The second man about whom the controversy of the three chapters turned was Theodoret, the learned bishop of Cyrus in Syria, already so often mentioned. He had also been a disciple of Theodore of Mopsuestia; and if he did not go so far as he did, yet he had, in former times, frequently maintained that, by the doctrine of Cyril and Ephesus, the natures in Christ are mingled. With peculiar violence he had in particular opposed the anathematisms of Cyril as Apollinarian (sec. 132 in vol. iii.). At the third Œcumenical Synod at Ephesus he appeared in company with his patriarch, John of Antioch, and he was one of the most zealous members of the Conciliabulum which opposed the Ephesine Synod and decreed the deposition of Cyril and Memnon (sec. 135). For this reason he was, like others, excommunicated until he should amend (sec. 139). When the Emperor summoned deputies of both parties, as well of the Ephesine Synod as of

the Antiochene faction, Theodoret was among the latter, came in this capacity to Chalcedon, distinguished himself here also by his polemic against Cyril, and would know nothing at all of Church communion with him. He was pained by the Emperor taking the orthodox envoys with him to Constantinople, whilst the Antiochenes were obliged to remain at Chalcedon; and still endeavoured by speeches, letters, etc., to labour for what he thought the true doctrine, and cried "Woe" over the persecutors of Nestorius (secs. 145, 147, 148, 149).

After his departure from Chalcedon we meet with him again active against Cyril at Synods and by writings (secs. 151 152); soon, however, the explanation of Cyril, that he taught no mingling of the natures, gave him great satisfaction (sec 153). That he was not really a Nestorian he showed by his offer to anathematise all who separate the one Lord into two Sons, as well as by his endeavouring to gain over other Oriental bishops for the restoration of Church unity. When the union between Cyril and John of Antioch was actually effected, Theodoret was in agreement with the dogmatic part of the document of union, but would not at all consent with the anathematising of Nestorius, which was contained in it, as he held his friend to be innocent in the principal matter, and considered him to be misunderstood (secs. 158, 159). He took, therefore, for some time a middle position between the decided friends and the complete opponents of the union, went, therefore, temporarily with his Patriarch John, became reconciled again after a conference with him, and entered into the union, after John had allowed that anyone who was unwilling need not subscribe the deposition of Nestorius (sec. 159).

When, after the death of Cyril, the Monophysite party began to grow powerful under the protection of his successor Dioscurus, Theodoret again came under suspicion of Nestorianism, and although he put forth a clear confession of his orthodoxy, Dioscurus nevertheless pronounced him excommunicated. The Emperor, too, became very ill-disposed towards him, and forbade him to appear at the next Synod unless he were expressly summoned (secs. 170, 175). Afterwards he was deposed at the Robber-Synod, and banished by

the Emperor (secs. 179, 181). He appealed to the Pope, and petitioned for an impartial examination of his case at another Synod. The new Emperor Marcian recalled him; but he could not at once enter upon his bishopric, because the Synod of Chalcedon had first to decide on the subject. When he appeared at the eighth session, he was required immediately to pronounce anathema upon Nestorius. He hesitated, and at first was unwilling to do so unconditionally; yet he put his own orthodoxy out of doubt, and at last consented to the anathema, whereupon he received his bishopric back, and was troubled no more to his death (A.D. 457).

The Emperor Justinian, as we know, had not wished to anathematise the person nor all the works of Theodoret, but only those written against Cyril and the Synod of Ephesus and those in defence of Nestorius; and he was materially so far right, as the books in question contained, in fact, much that was erroneous, particularly many unfair attacks upon Cyril and the third Synod, many misrepresentations of the doctrine of Cyril and the third Synod, and a too favourable exposition of the Nestorian theses. From the orthodox side, therefore, it was possible to give an unhesitating assent to the anathema required in regard of these matters. As, however, the Synod of Chalcedon restored Theodoret without further demand, and pronounced no sentence on any part of his works, many of the orthodox supposed that the edict of the Emperor contained an attack upon the credit of the Council of Chalcedon, and the Monophysites could not fail, in fact, to use it in this sense. This scruple could not but arise when it was remembered that formerly at the religious conference at Constantinople, A.D. 533, the Severians had made the restoration of Theodoret a reproach against the Council of Chalcedon (sec. 246), and had maintained that he had not pronounced anathema on Nestorius at Chalcedon honestly, but only in appearance and deceptively.[1]

Finally, in regard to the letter of Ibas to Maris, we have already seen (sec. 160) that, when Nabulas came forward with his violent polemic against the dead Theodore of Mopsuestia, Ibas was a priest of Edessa, and a great admirer

[1] Mansi, t. viii. p. 829; Hardouin, t. ii. p. 1170.

of Theodore. After the death of Nabulas he became himself bishop of Edessa. About twelve years later some of his clergy brought a complaint against him, before the Patriarch Dominus of Antioch, on several grounds, particularly because he had circulated the writings of Theodore of Mopsuestia, had allowed himself in heretical expressions, and had made his dissolute nephew, Daniel, bishop of Carræ, and had spent Church property (sec. 169). In order to the investigation of the matter two commissions had to meet in Berytus and Tyre (about the year 448); the subject, however, came up at the ninth and tenth sessions of Chalcedon, at which the earlier minutes of Berytus and Tyre were read again (sec. 196). The chief *Corpus delicti* was the letter to Maris, bishop of Hardaschir in Persia, ascribed to Ibas, and this was naturally also read at Chalcedon. We gave a short extract from it under the tenth session of Chalcedon (sec. 196). The letter judges Cyril and the first Ephesine Synod with distinct unfairness and injustice, misrepresents the history of the Synod, accuses Cyril of having held an Apollinarian doctrine before the union with the Orientals, and casts the same reproach against the Synod of Ephesus because they approved the anathematisms of Cyril. Later, however, he says, Cyril and his adherents had corrected themselves, and, in the union, had accepted the true faith. The letter also will not admit the *Communicatio idiomatum*. In such a view of the matter an anathema on him (Ibas) was fully justified, in an objective sense, for he was really in a high degree offensive and insulting, not only towards the friends of Cyril, but also towards all who respected the third Œcumenical Synod. This part of its contents was capable of only one meaning.

On the contrary, the letter offered also a side in respect to which double and opposed judgment was possible. The author also declares in the letter that he holds fast that doctrine which had been enunciated at the union between Cyril and the Orientals, and recognises the unity of the one Lord in the duality of the natures. If importance were attached to this, it might be inferred that Ibas had been peculiarly orthodox, and only through a misunderstanding had earlier opposed Cyril, and later denied the *Communicatio*

idiomatum. But we might also understand that the author was only in appearance at the point of view of the union, and that his continued denial of the *Communicatio idiomatum*, and also the manner in which he still expressed himself in this letter respecting Cyril and the third Œcumenical Council, showed that then, too, he was still heretical, and that the whole letter was penetrated with the Nestorian leaven.

The Emperor and the members of the subsequent fifth Œcumenical Synod had taken the latter view; the defendants of the three chapters, on the contrary, formed a more favourable and kindly judgment on the letter and its author. On this side could be urged the circumstance that Ibas at the transactions at Tyre (sec. 196) had declared his adhesion to the third Œcumenical Synod, and at the same time had himself recognised and retracted a leading error in the letter. He was therefore, and because he gave assurance of his orthodoxy, agreed to the anathema on Nestorius, and could present a good testimony from his clergy, acquitted by his judges at Tyre (sec. 196). It is true that the Robber-Synod deposed him again, but the Synod of Chalcedon annulled this sentence again, declared the accusations brought against Ibas to be groundless, and restored him to his bishopric. This judgment was preceded by the reading of the Acts already passed in this matter, the minutes of Berytus and Tyre, the letter to Maris, and the testimony of the clergy of Edessa in favour of Ibas; and the Synod thereupon decreed the restoration of Ibas on the condition that he should pronounce anew an anathema upon Nestorius and his heresy. On the letter to Maris *in specie* the Synod pronounced no judgment. Whatever was Nestorian in it Ibas must have abjured by the required anathema on Nestorius. Some few of the voters at Chalcedon, however, namely, the papal legatees and Bishop Maximus of Antioch, expressed themselves in such a manner as to imply that in this very letter to Maris (on its bright side) they had discovered a proof of the orthodoxy of Ibas. That this explanation of their words is the correct one, we shall discuss later on, in the third chapter of this book, when we treat of the confirmation of the fifth Œcumenical Council by Pope Vigilius; and in any case it was not surprising that

many among the orthodox should see, in the demand for an anathema upon the letter, an insult to the Synod of Chalcedon.

In order to pacify them the Emperor and his friends endeavoured to bring proof that Ibas had never acknowledged that letter to be his, nay, that at the Synod at Chalcedon he had denied the authorship rather clearly. But the proof was insufficient; and also the way in which they sought to explain the votes of the papal legates, etc., and to show in an artificial manner that the Synod of Chalcedon had specially rejected that letter, could give no satisfaction.[1] Many of the orthodox, particularly Bishop Facundus of Hermione in his *Defensio trium capitulorum*, also for some time Pope Vigilius, maintained, likewise going too far, the exact contrary, that the Council of Chalcedon had clearly approved the letter of Ibas to Maris, and declared it orthodox, and that an anathema upon it was not possible without detracting from that Synod. From all this we see how the imperial edict for the condemnation of the three chapters found, and must have found, differences of judgment among the orthodox.

If, now, we look a little closer at this edict itself, the contemporary Liberatus (*l.c.*), in the first place, tells us only that the Emperor demanded an anathema upon Theodore of Mopsuestia and the letter of Ibas. Of Theodoret he is silent at first; but some lines later he says: "Theodore Ascidas counselled the Emperor cunningly to declare an anathema on the three chapters in a special imperial decree," *i.e.* not to bring the subject in a more uncertain manner before a Synod, but to decide it by a peremptory imperial decree. "Thereupon," he says, "the Emperor actually issued a book (a detailed edict) *in damnationem trium capitulorum*." To a similar effect Facundus also, in lib. i. c. 2 of his *Defensio trium capitulorum*, speaks first of the letter of Ibas, the anathematising of which had been advised to the Emperor; but in other places, and in the preface to the work mentioned, he says expressly that an anathema had been demanded and pronounced upon some writings of Theodoret, and on the person and writings of Theodore.[2]

[1] Such artificial proofs will meet us later. See secs. 263, 271, 276.

[2] Facundus, *Pro defensione trium capit.* in Galland. *Bibl. Patrum*, t. xi. p. 665.

Liberatus maintains (*l.c.*) that Theodore Ascidas gave this advice to the Emperor chiefly on two grounds: First, because he was himself not merely an Origenist, but also an Acephalus, and, moreover, because, as an Origenist, he hated Theodore of Mopsuestia, who had written against Origen. There is no doubt that Liberatus was here mistaken, as no one else says anything of the Monophysitism of Ascidas, and, in fact, he is not to be suspected of it.[1] The opposition of the Mopsuestian to Origen, however, had reference only to his exegetical methods, and certainly did not give occasion for the controversy of the three chapters. The thorough accurate account of its origin is given by the man who must have been best informed on the subject, Bishop Domitian of Ancyra, the friend of Ascidas, and the second head of the Origenists. In his letter to Pope Vigilius he writes that, "on account of the doctrine of the pre-existence and apokatastasis they had unjustly attacked and condemned Origen and other holy and celebrated teachers. Those who wished to defend such doctrines had not been able to do so; therefore they had completely given up this controversy, and had begun another over Theodore, bishop of Mopsuestia, and had endeavoured to get an anathema pronounced upon him, with the intention of abolishing the movement that was going on against Origen" (*ad abolitionem ut putabant eorum, quæ contra Originem mota constituerant* or *constiterant*). Facundus, who communicates this fragment of a letter (*l.c.* lib. iv. c. 4, p. 708, and lib. i. c. 2, p. 667), infers from it illegitimately that the Origenists had acted only from revenge, and for this reason had sought to stir up disturbance in the Church (*l.c.* lib. i. c. 2); but he may be right in this, when he declares that the Monophysites, who hitherto had laboured in vain to destroy the credit of the Synod of Chalcedon, had now made use of the Origenists, in order through these, who on this point (in regard to the Council of Chalcedon) were not suspected, to carry out their plans.

That the first edict, in which Justinian, at the wish of

[1] Noris remarks (*Diss. Hist. de Synodo quinta*, c. 3, p. 581, in t. i. of Ballerini's edition of the works of Cardinal Noris) properly, that the Africans had reckoned that opponent of the three chapters among the Acephali.

Ascidas, published the three anathematisms of which we have heard, was drawn up, not by the Emperor himself, but by the Monophysites and Origenists, Facundus maintains repeatedly, and professes to know that these had prefixed the name of the Emperor by imposition (lib. ii. c. 1). This, however, is only *façon de parler*, in order the more easily to attack the edict in question; and, in fact, he only means to say that they had outwitted the Emperor, as this edict stands in contradiction with other decrees, particularly his declarations of faith (lib. ii. c. 1). Theodore Ascidas is generally considered to be the author of this imperial edict. Walch, however (*Ketzerhist.* Bd. viii. S. 152), has contested this view, as Ascidas expressly asserted later, on his reconciliation with Vigilius, that he had written nothing in this matter. But Walch is here plainly wrong, since Theodore Ascidas, Mennas, and their associates in the letter in question,[1] say only they had written nothing that was contrary to the union effected between the Emperor and the Pope of the year 550 (sec. 261). Thus it is only the authorship of the later imperial edict, the ὁμολογία, which is denied.

We can no more settle with certainty the time of the composition than we can the authorship of the first edict, as this has been lost together with the subscription. Baronius removed it into the year 546, whilst Cardinal Noris (*De Synodo*, v. c. 3) showed that it was probably issued towards the end of the year 543, or at the beginning of 544. In opposition to him the learned Jesuit Garnier contended for the year 545;[2] but the Ballerini, Walch, and others concerned in the reckoning of Noris, have also given the preference to the beginning of A.D. 544.[3] It is incontestable that the edict cannot have been drawn up before the year 543, for it is plain that it was issued after the anathema on Origen, and to draw the Emperor away from this. It cannot, however, be placed later than 545, for in this year Pope

[1] Mansi, t. ix. p. 63; Hardouin, t. iii. p. 11.

[2] Garnerii *Diss. de V. Synodo generali*, c. 3, in Schulze's ed. of the works of Theodoret, t. v. p. 528.

[3] Norisii *Opp.* ed. Baller. t. iv. p. 1002; Walch, *Ketzerhist.* Bd. viii. S. 153 f.

Vigilius travelled from Rome to Constantinople,[1] and the edict had been issued some time before his departure. We said that the edict in question had been lost. Baronius (*ad ann.* 546, n. 10), Mosheim (*Inst. Hist. Eccles.* p. 249), and others thought that we might find its contents in the later ὁμολογία of the Emperor, of which we shall hereafter have to speak more fully; but Noris has completely disproved this; and all subsequent writers, particularly the Ballerini and Walch, have justly coincided with him.[2] To give only a few reasons, we note: In the ὁμολογία, among other things, mention is made of that Synod at Mopsuestia, summoned by the Emperor, which was not held until the year 550, whilst our edict was drawn up in the year 544. Moreover, we do not find in the ὁμολογία those fragments which Facundus communicates from the first edict of the Emperor. Of these fragments there are three. The first occurs in Facundus (*l.c.* lib. ii. c. 3), and contains the anathematismus: "Si quis dicit, rectam esse ad Marim impiam epistolam, quæ dicitur ab Iba esse facta, aut ejus assertor est, et non magis anathemati subjicit, utpote male tractantem sanctum Cyrillum, qui dicit quia Deus Verbum factus est homo, et ejusdem Sancti Cyrilli 12 capitulis detrahentem, et primam Ephesinam synodum impetentem, Nestorium vero defendentem, laudantem autem Theodorum Mopsuestiæ, anathema sit."[3]

A second fragment, in Facundus (lib. iv. c. 4, *l.c.* p. 709), runs: "Si quis dicit hæc nos ad abolendos aut excludendos sanctos patres, qui in Chalcedonensi fuere concilio, dixisse, anathema sit." The third fragment, finally (in Facundus, ii. 3), in its content, is connected with the first, and contains no anathematism, but the words: "Oportet aperte inspicere ad Marim epistolam, omnia quidem sine Deo et impie dicentem, illud tantummodo ostendentem bene, quia ex illo Theodorus per Orientem in ecclesia anathematizatus est." Further infor-

[1] This is stated by the contemporary, Victor of Tununum, in his *Chronicon*, in Galland. *l.c.* t. xii. p. 230. Cf. Noris, *Diss. de Synodo V.* c. 3; and Walch, *l.c.* S. 134 and 165 f., and under S. 816, note 1.

[2] Noris, *De Synodo V.* c. 3, t. i. p. 581; and the *Observationes* of the Ballerini in t. iv. p. 948 of their edition of the works of Cardinal Noris; Walch, *l.c.* S. 151.

[3] In Galland. *l.c.* t. xi. p. 682.

mation in regard to the nature of the first imperial edict is given by the African Bishop Pontianus, in his letter to the Emperor Justinian,[1] in which he says that the Emperor's letter contains first a correct explanation of the faith; and at its close a demand that an anathema should be pronounced upon Theodore, on certain writings of Theodoret, and on the letter of Ibas.

The first imperial edict, as Facundus declares, was again altered by the Origenist and Monophysite counsellors of the Emperor, and instead of the longer formula of anathema against the letter of Ibas given above (Fragment i.), the shorter was substituted: "Si quis dicit, rectam esse ad Marim impiam epistolam, aut eam defendit, et non anathematizat eam, anathema sit."[2] This later edition is called by Facundus the *Formula subscriptionis*, whilst he designates the earlier as the *Epistola damnationis*. As reason for this alteration he states that, in the first formula, only some parts of the letter had been rejected as objectionable, namely, the passages against Cyril, etc., but that now the Monophysites had demanded an anathema on the letter in general, so that its orthodox content as well, the doctrine of the two natures, might seem to be anathematised. Walch (*l.c.* p. 151 f.) supposes that the Emperor Justinian himself had, at a later period, withdrawn his edict, as he was obliged to bring the controversy of the three chapters before a Synod, and for this reason it had been so soon lost.

The first from whom the Emperor demanded the subscription of the edict was the Patriarch Mennas of Constantinople. He hesitated at first, and declared that we must not imperil the credit of the Council of Chalcedon, and that he would do nothing without the apostolic see. At last, however, he subscribed; but after they had promised him on oath that, in case the bishop of Rome should not agree, his subscription should be given back to him. In the same way Ephraim, patriarch of Antioch, would not agree; but when he was threatened with deposition, he also subcribed, his office, as Facundus (iv. 4) remarks, being dearer

[1] Mansi, t. ix. p. 45; Hardouin, t. vii. p. 1.

[2] Facundus, *Defensio trium capit.* lib. ii. c. 3, in Galland. *l.c.* t. xi. p. 682*b*.

to him than the truth. Similar weakness and inconsistency were shown by the Patriarch Peter of Jerusalem. When, at the beginning, a company of monks visited him (for what purpose Facundus does not say), he declared, with an oath, that whoever agreed with the new decree attacked the Council of Chalcedon. In spite of this he agreed himself later on.

Finally, Zoilus, patriarch of Antioch, wrote very soon and spontaneously to Pope Vigilius, that he also had subscribed under constraint.[1] Similar compulsion was brought to bear upon the other bishops, and it was resolved to extort the subscriptions of the whole episcopate, in order, says Facundus,[2] that it might appear as though the whole Church were opposed to the Synod of Chalcedon.[3] Liberatus also speaks of this constraint, remarking that some had been caught by presents, and others frightened by the threat of banishment.[4] In particular, Mennas compelled the bishops under him to subscribe, as a number of them complained in a memorial to Stephen, the papal legate.[5] Garnier assumed that Mennas, for this purpose, held a special Synod at Constantinople; but there is nothing said of this in the original documents.[6] In order to produce a better inclination to a subscription of the imperial edict, it was from the beginning declared that the question would also be put on the subject to the Roman

[1] *l.c.* lib. iv. c. 4, p. 708.

[2] *l.c.* lib. ii. c. 3, p. 682*b*; and *Contra Mocianum*, *ib.* p. 813*b*.

[3] Justinian himself certainly says only that "he had put the *question* to the bishops how they thought about the three chapters" (in his letter to the first session of the fifth Œcumenical Council); but we must remember that the application of the rack was called "putting the question."

[4] Liberatus, *l.c.* c. 24, p. 160.

[5] In Facundus, *l.c.* lib. iv. c. 4, p. 708.

[6] Cf. Garnier, *Diss. de V. Synodo*, in Schulze's edition of the works of Theodoret, t. v. p. 534, and Walch, *Ketzerhist.* Bd. viii. S. 69 and 156 f. Garnier thinks that there are still extant fragments of the Acts of this Synod, namely (*a*) the Greek letter of the Emperor to the Synod, reprinted in Mansi, t. ix. p. 582, and Hardouin, t. iii. p. 322, and according to the general opinion identical with the imperial letter addressed to the fifth Synod (see below, sec. 267); (*b*) also, that the fragment of an answer to the imperial letter, appended to the latter, belongs to this earlier Synod. Cave and Basnage agreed with Garnier, whilst he was opposed by the Ballerini in their edition of the works of Cardinal Noris, t. iv. p. 1007 sq.

Church; but Facundus shows (*l.c.* iv. 3) how deceptive such a supplementary inquiry would have been, since everyone who judged otherwise than the edict on the matter would have been previously anathematised.

Cunning and violence succeeded, by degrees, in gaining the whole East to subscribe the edict. The Latins were not so pliant. The papal legate, Stephen, who resided in Constantinople, immediately reproached the Patriarch Mennas for his weakness, and broke off Church communion with him.[1] The same was done by Bishop Dacius of Milan, who was residing at Milan at that time, and subsequently went thence to Sicily (*hinc reversum*), in order to make the Pope acquainted with what had happened.[2] At the same time, or soon afterwards, there were also residing in Constantinople several African bishops, among them Facundus of Hermione. That this was so, and that Facundus, at the instigation of his colleagues, even before the arrival of Pope Vigilius in Constantinople, composed a memorial to the Emperor against the condemnation of Theodore, etc., we see from his *Præfatio* to his *Defensio trium capitulorum*.[3] Moreover, he and his friends broke off Church communion with Mennas and all adherents of the imperial edict.[4] Before Facundus had quite finished that document, Pope Vigilius arrived at Constantinople; and when, afterwards, there was begun, under his presidency, an examination of the points of controversy, the Pope suddenly broke up the proceedings, and required that each one of the bishops present should give in his vote in writing (see below, sec. 259).

For this business the imperial Magister Officiorum allowed Facundus no more than seven days, in which were two holy days,[5] on which account he hastily took a good deal out of his now half-ready book into his new *Responsio*, and added more. Subsequently, with greater leisure, he completed and

[1] Facundus, *l.c.* lib. iv. cc. 3 and 4, pp. 707*a* and 708*a*.

[2] Facundus, *l.c.* lib. iv. c. 3, p. 707.

[3] In Galland. *l.c.* t. xi. p. 665.

[4] Facundus, *Contra Mocianum*, in Galland. *l.c.* p. 813.

[5] As Vigilius published his *Judicatum* immediately afterwards, on Easter Eve, 548, Garnier supposed that those seven days, with two holy days, should be placed immediately before 548.

improved the first work, and in particular corrected many patristic passages, which he must formerly have drawn from inferior manuscripts, and which must have been transferred from this inaccurate text into that *Responsio*. He remarks this expressly for the enlightening of those readers who might compare the *Responsio* with his improved principal work—*Defensio trium capitulorum*. It is therefore quite a mistake to say, as was formerly done, that Facundus composed the *Defensio* itself in seven days.

When the copy of the imperial decree came to Rome, a favourable judgment of it by the learned deacon, Ferrandus of Carthage, was brought forward; and the Roman deacons, Pelagius and Anatolius, wrote to him, asking him, together with the bishop of Carthage and other zealous and learned men, to give them counsel as to what in general they should do. Already, in the question of inquiry of the Romans it was expressed that the Acephali, with the assistance of so-called orthodox men, had stirred up the whole affair to the prejudice of the Council of Chalcedon and the *Epistola dogmatica* of Leo I.; and Ferrandus replied that the letter of Ibas, which the Œcumenical Synod of Chalcedon had approved, and generally the three chapters, could not be objected to, because otherwise the estimation of all synodal decrees might be called in question.[1] In consequence of this the whole of Africa and Rome was opposed to the wishes of the Emperor, and an interesting evidence of this sentiment is given in the still extant letter of the African Bishop Pontianus to the Emperor, recently referred to. Justinian, however, now summoned Pope Vigilius to Constantinople, in order to get him to assent to his plans. Vigilius obeyed unwillingly, for he foresaw the inconveniences which awaited him; but he was forced to take the journey, as a letter of the Italian clergy testifies;[2] and Victor of Tununum also asserts that the Emperor had compelled him. Indeed, Anastasius (*Vit. Pontif.*) professes to know that the

[1] Facundus, *l.c.* lib. iv. c. 3. The lengthy and learned answer of Ferrandus is still extant in his *Epistola ad Pelagium et Anatolium, diaconos urbis Romæ*, in Galland. t. xi. p. 361.

[2] Mansi, t. ix. p. 152; Hardouin, t. iii. p. 47.

Empress Theodora sent the officer of State, Anthemius, to Rome with orders, if the Pope did not agree to come, to take him by force from his palace, or even out of any church except S. Peter's, and carry him on board ship. He says, too, that this had actually been done, and that the Pope was seized on the 22nd of November, in the Church of S. Cecilia, and that the people had thrown stones, etc., at the ship on which he was carried off, and had invoked hunger and pestilence on the imperial commissioner.

We are assured by the much more trustworthy Facundus, that when Vigilius departed from Rome the whole of Rome entreated him not to agree to the condemnation of the three chapters. The same petition was presented to him after he had arrived at Sicily by the Christians of Sardinia and Africa. Here in Sicily he also met with Bishop Dacius of Milan, arrived from Constantinople, and commended him highly and his own legate Stephen on account of their breach with Mennas. Here also he met an envoy of the Patriarch Zoilus of Alexandria, who was instructed to inform him that the patriarch had subscribed only under compulsion. Later on, when Vigilius, after a long stay of about a year in Sicily,[1] sailed for the Peloponnesus, and travelled from thence to Constantinople by land, over Hellas and Illyricum, the faithful of these two countries besought him not to agree to this innovation; and he himself on his journey wrote a letter to Mennas, in which he expressed his strong disapproval of his proceedings, and of all that had been done in this matter, and demanded a retractation.[2] From this it is clear how greatly Victor of Tununum is mistaken, when he relates, under the year 543, that the Empress Theodora had obtained a promise from Vigilius, before he became Pope,

[1] Procopius, *De Bello Gothico*, lib. iii. c. 15, says: "Vigilius remained a long time in Sicily." Noris and others suppose that he had intended to hold a Synod in Sicily, which, however, is very doubtful. The reason for his long sojourn in Sicily is not known. Cf. Punkes, *l.c.* S. 67. As Vigilius arrived in Constantinople, January 25, 547, as we shall see presently, and tarried a year in Sicily, he must have left Rome in the year 545.

[2] Facundus, *Defensio*, etc., lib. iv. cc. 3 and 4. The letter of Vigilius to Mennas is, in part, reproduced verbally in the second treatise of Facundus, *Contra Mocianum*, in Galland. t. xi. p. 814.

to anathematise the three chapters. This is an evident anachronism.

SEC. 259.—*Pope Vigilius and his* Judicatum *of April* 11, 548.

When Vigilius arrived in Constantinople, January 25, 547,[1] he was received by the Emperor with many honours. According to Theophanes we might suppose that the Pope had pronounced a condemnation of the three chapters immediately after his arrival; but the chronicler condenses the narrative, and says that Vigilius, inflated by the friendly reception of the Emperor, had punished Mennas by separating him from Church communion for four months.[2] The Pope inflicted the same censure on all the other bishops who had subscribed the imperial edict.[3] Naturally, Mennas now had the name of the Pope struck out of the diptychs of his church.[4] Gregory the Great professes to know that Vigilius then pronounced anathema also on the Empress Theodora and the Acephali, at the very time that Rome was plundered by the enemy (the Goths).[5]

Before long Vigilius altered his position in the most surprising manner. How this happened is not fully known. What is certain is, that the Emperor had frequent personal intercourse with him, and also repeatedly sent officers of State and bishops to him, to induce him to agree with Mennas and the rest.[6] The vehement Facundus (*l.c.* p. 814, *a* and *b*) maintains that no violence was done to him, but that he was led astray by ambition and by bribery. The

[1] This date is found in the appendices to the *Chronicle* of Marcellinus in Scaliger, *Thesaur. Tempor.* p. 54; Noris, *De Synodo V.* c. 3, *l.c.* t. i. p. 593; Pagi, *Critica in Annales Baronii*, t. i. p. 586, *ad ann.* 547, n. 4. Cf. Walch, *Ketzerhist.* Bd. viii. S. 165.

[2] Theophanes, *Chronographia*, in Pagi, *ad ann.* 547, n. 5.

[3] Facundus, *Contra Mocianum*, in Galland. t. xi. p. 814*b*.

[4] Theophanes, *l.c.*

[5] Gregory the Great, *Epist.* lib. ii. ep. 51, Benedict. ed. t. ii. p. 615; according to the earlier arrangement of Gregory's letters received by Mansi, lib. ii. ep. 36, in vol. ix. of Mansi's *Councils*, p. 1105.

[6] We see this from the text of an imperial edict given by Baluze, in Mansi, t. ix. p. 182; Hardouin, t. iii. p. 57.

Italian clergy, on the contrary, speak of the imprisonment and serious persecution of the Pope, and relate that he said on one occasion to his persecutors: "Contestor, quia etsi me captivum tenetis, beatum Petrum apostolum captivum facere non potestis."[1] After some time, however, Vigilius first gave privately a promise that he would anathematise the three chapters;[2] and the imperial Minister Constantine, as commissioned by his master, gave the assurance at the seventh session of the fifth Council that the Pope had given this promise in writing and by word of mouth, and this in the presence of the Emperor, his Ministers, and some bishops.[3] To this time probably belong also the two letters, containing these promises, from Vigilius to the Emperor and the Empress.[4] They are short, and have almost verbally the same contents. The one to the Emperor runs: "We never were heretical, and are not so. But I demand the rights which God has granted to my see. But your Piety must not infer from this that I defend heretics. Behold, I respond to your irresistible command, and anathematise the letter of Ibas, and the doctrines of Theodoret, and of Theodore formerly bishop of Mopsuestia, who was always foreign to the Church, and an opponent of the holy Fathers. Whoever does not confess that the one only-begotten Word of God, that is, Christ, is one substance, and one person, and *unam operationem* (*μίαν ἐνέργειαν*), we anathematise," etc. These letters were read subsequently in the seventh session of the fifth and in the third session of the sixth Œcumenical Synod, and at the latter their genuineness was contested by the papal legates. This led to an inquiry, the result of which will be given below, sec. 267, when we come to treat of the Acts of the fifth Œcumenical Synod. For the present it is sufficient to remark that these two letters are probably genuine, but interpolated, and that the words *unam operationem* were inserted by a Monothelite. At the time of Vigilius there was still a controversy as to whether there were one or two operations and wills in Christ.

[1] Mansi, t. ix. p. 153; Hardouin, t. iii. p. 47.
[2] Facundus, *Contra Mocianum*, p. 813*b*.
[3] Mansi, t. ix. p. 347; Hardouin, t. iii. p. 172.
[4] Mansi, t. ix. p. 351; Hardouin, t. iii. p. 175.

When Vigilius began to change his mind, he again resumed Church communion with Mennas, and his name was again received into the diptychs of Constantinople. The fact, however, stated by Theophanes, that his name was put in the first place in the diptychs of Constantinople, even before the bishop of Constantinople, did not take place until A.D. 552.[1] Theophanes says further, that it was particularly the Empress Theodora who brought about the reconciliation, and that it took place on June 29, the festival of the Apostles Peter and Paul, A.D. 547.[2] This agrees entirely with his previous statement in regard to the four months; for, if Vigilius arrived at Constantinople on January 25, 547, and shortly afterwards broke off communion with Mennas, then four months elapsed from that time to the reconciliation on June 29.

By the will of the Emperor conferences were now begun, to which nearly all the bishops present in Constantinople were summoned. After the arrival of the Pope, many of the bishops who had not yet subscribed the imperial edict had betaken themselves to Constantinople, in order to watch the further development of the matter; and Facundus states that about seventy bishops attended the conferences, besides those who had previously subscribed.[3] These conferences are frequently described as a Constantinopolitan Synod of A.D. 547 and 548; *e.g.* by Baronius (*ad ann.* 547, n. 32 sq.), Pagi (*ad ann.* 547, n. 8), Walch (*l.c.* S. 171 sq.); but Facundus, who was himself a member of this assembly, and to whom we owe our information on the subject, never uses the expression *Synod*, but *Judicium* and *Examen* (*l.c.* pp. 665, 813), calls the Pope who presided over it repeatedly *Judex* (*l.c.* p. 814), and describes the whole in such a manner as to make us understand that it was a conference for the examination of the anathematisms of the three chapters laid before them by the Emperor, a *judicium* or *examen* on the question whether the Pope could agree to give the final decision, whilst the bishops present had only to give counsels.

[1] Cf. the observations of the Ballerini, in Noris, t. iv. p. 949; and Walch, *l.c.* S. 171.

[2] Cf. Noris, *l.c.* c. 4, t. i. p. 595.

[3] Facundus, *Contra Mocianum*, in Galland. t. xi. p. 814.

Facundus says quite distinctly (*l.c.* p. 814), that if the votes given by the bishops in writing had not pleased the Pope, he would have torn them up or burnt them, or by his own sentence he could have invalidated them (*ea scindere vel urere, aut per suam evacuare sententiam*). So also we learn from Facundus (*l.c.* p. 813*a*), that three such conferences took place, and he communicates the following particulars from the *gestis* of the third. He requested that the Pope would institute an examination into the question as to whether the letter of Ibas was really accepted (*suscepta*) by the Synod of Chalcedon or not, since the opponents maintain that the anathema on Theodore of Mopsuestia was actually no attack upon the importance of that Synod, since it had not received the letter of Ibas in which Theodore was commended. He, Facundus, admitted often that he had not broken off communion with Mennas, etc., on account of the anathema on Theodore in itself. He could not indeed approve of this anathema, but he regarded it partly as endurable, partly as not particularly important; but the aim of his opponents was, by this means, to undermine the authority of the fourth Œcumenical Synod.[1]

It was natural that this question of Facundus should be very inconvenient for Pope Vigilius, since he had already given private assurances to the Emperor. He would therefore simply put it aside by answering that "this was not known to him (either that the Synod of Chalcedon had received the letter of Ibas, or also that the other party wanted to destroy the importance of that Synod)"; but Facundus now asked leave "to bring proof that that letter was really received at Chalcedon, and to invalidate all the arguments of the opponents." Upon this Vigilius broke up the whole consultation in perplexity, and required a vote in writing of each of the bishops. The seventy bishops, who had not hitherto subscribed, were now individually plied by the adherents of the imperial edict, and led astray to declarations which were hostile to the Synod of Chalcedon; and, in order that they might not be able to recant, they were conducted, some days later, in public procession, well

[1] Facundus, *Contra Mocianum*, *l.c.* p. 813.

guarded, to Vigilius, in order to present their votes to him.[1]

We have already seen (sec. 258) that Facundus, in this emergency, drew up in seven days an extract from his work, *Defensio trium capitulorum*, which was not yet quite complete. He further tells us that Vigilius immediately carried these votes of the seventy bishops into the palace, where they were added to the declarations of those bishops who had already subscribed. In order, however, to excuse this conduct, he declared to the party of Facundus that he did not intend to take those votes with him to Rome, nor to deposit them in the Roman archives, so that it might not be inferred that he himself had approved of them.[2]

Soon afterwards, on Easter Eve, April 11, 548,[3] Vigilius issued his *Judicatum*, addressed to Mennas, which, as its title indicates, professed to give the result obtained by him as *Judex* through the conferences and votes (the *judicium* and *examen*). Unfortunately this important document is also lost, and up to the present day it has been generally maintained, that only a single fragment of it has been preserved, which is found in a letter of the Emperor Justinian to the fifth Œcumenical Synod, according to the text edited by Baluze. It was overlooked that five such fragments exist in another contemporaneous document.

First of all, let us examine closely that first fragment.[4] After the Emperor had said that the *Judicatum* issued by the Pope (first to Mennas) had been made known to all the bishops, he gives the anathema, contained in it, on the three chapters, with Vigilius's own words: "Et quoniam quæ Nobis de nomine Theodori Mopsuestini scripta porrecta sunt, multa contraria rectæ fidei releguntur, Nos monita Pauli sequentes apostoli dicentis: *Omnia probate, quod bonum est retinete*, ideoque anathematizamus Theodorum, qui fuit Mopsuestiæ episcopus, cum omnibus suis impiis scriptis, et qui vindicant eum.

[1] Facundus, *l.c.* p. 813. [2] Facundus, *l.c.* p. 814.

[3] This date is indicated by Vigilius himself in his letter to Rusticus and Sebastianus, in Mansi, t. ix. p. 353; Hardouin, t. iii. p. 177. Cf. Noris, *l.c.* t. i. p. 596, and Pagi, *ad ann.* 547, n. 10.

[4] In Mansi, t. ix. p. 181; Hardouin, t. iii. p. 57.

Anathematizamus et impiam epistolam, quæ ad Marim Persam scripta esse ab Iba dicitur, tamquam contrariam rectæ fidei Christianæ, et omnes, qui eam vindicant, vel rectam esse dicunt. Anathematizamus et scripta Theodoreti, quæ contra rectam fidem et duodecim Cyrilli capitula scripta sunt.[1]

Besides this fragment it was known only that Vigilius had introduced in his *Judicatum* a clause or caution to the effect, that "the importance of the Council of Chalcedon should not be called in question." Noris and Natalis Alexander[2] might mislead us to the opinion that, with reference to this, the words in the *Judicatum* stood thus: "Salva in omnibus reverentia Synodi Chalcedonensis." But this formula was invented by Noris himself, because he found in the original documents that Vigilius had repeatedly protested that the *Judicatum* contained nothing which could detract from the importance of the four ancient Œcumenical Councils or that of his predecessors the Popes.[3] The same was testified also by the Italian clergy, writing to the Frankish ambassadors, "that Vigilius, in the *Judicatum*, solicite monuit, ne per occasionem aliquam supradicta synodus (of Chalcedon) pateretur injuriam"; and that "they had after-

[1] In their edition of the works of Cardinal Noris (t. iv. p. 1036) the Ballerini endeavour to remove some doubts as to the genuineness of this fragment, because (*a*) from no other papal decrees has the Emperor taken anything verbally into his edicts, and (*b*) because Justinian, at the time when he wrote this, was no longer in possession of a copy of the *Judicatum* (sec. 261). Both grounds are untenable. The first is so weak that it needs no answer; and as regards the second, it is incredible that the Emperor should have retained no copy of a document so important as the *Judicatum*. And even if he had not possessed one himself, others would have made copies of it. See below, in this section.

[2] Noris, *l.c.* t. i. p. 595; Natal. Alex. *Hist. Eccl.* Sæculi vi. t. v. ed. Venet. 1778.

[3] Thus in his letter to Bishop Valentinian of Tomi: "Legant ergo quæ de causa, quæ hic mota est, ad fratrem nostrum Mennam . . . scribentes legimus definisse, et tunc cognoscent, nihil a nobis, Deo nos custodiente, commissum vel certe dispositum, quod contra fidem prædicationemque venerandarum quatuor synodorum . . . reperiatur aversum, aut unius ex his, qui definitioni suprascriptæ Chalcedonensis fidei subscripserunt, tangat injuriam; vel quod decessorum prædecessorum nostrorum inveniatur, quod absit, constitutis forte contrarium." Mansi, t. ix. p. 360; Hardouin, t. iii. p. 182. Vigilius expresses himself in a similar manner in his letter to Bishop Aurelian of Arles, Mansi, *l.c.* p. 362; Hardouin, *l.c.* p. 183.

wards wanted to compel the Pope to anathematise the three chapters anew, without such a clause or caution in favour of the Synod of Chalcedon, *ut absolute ipsa capitula sine Synodi Chalcedonensis mentione damnaret.*[1]

So much was formerly known of the *Judicatum.* A repeated dealing with the later *Constitutum* of Vigilius (of May 14, 553) led me to see that in this there are five more fragments of the *Judicatum* to be discovered. Towards the end of the *Constitutum*, Vigilius mentions that his predecessors, Popes Leo and Simplicius, had repeatedly and solemnly declared that the decrees of Chalcedon must remain unweakened in force, and from this that it was clear what care he (Vigilius) must also take *pro apostolicæ sedis rectitudine et pro universalis ecclesiæ consideratione.* "Being long mindful," he proceeds, "of this caution, in the letter which we then addressed to Mennas, and which (after it had been, in the presence of all the bishops and the Senate, handed to your Majesty by Mennas, and by your Majesty with his consent handed back to us) we now annul, so far as the three chapters are concerned,—in that letter we provided that all due respect should be paid to the Synod of Chalcedon, as the contents of that letter testify. In proof we will add a few considerations out of many that might be given."[2]

There can be no doubt that by the letter to Mennas, here referred to, the *Judicatum* is meant, for this agrees admirably with all that is further added, that Mennas handed it to the Emperor, and that he in a solemn assembly had restored this document to the Pope, in order by this means to calm the excitement which had arisen on that subject and against Vigilius. Cf. below, sec. 261. We have therefore no doubt that the five passages which Vigilius took into his *Constitutum* from the letter in question to Mennas must be considered as fragments of the *Judicatum.* These are mere variations on the theme *Salvi in omnibus reverentia Synodi Chalcedonensis*, merely passages in which, although he anathematised the three chapters, yet protested and maintained his

[1] That they were mistaken in stating that such a request was made to the Pope, will appear later on.

[2] Mansi, t. ix. p. 104 sq.; Hardouin, t. iii. p. 45.

adhesion to the Council of Chalcedon; so that no one should, through that anathema, regard the decrees of Chalcedon as partially incorrect or as imperfect. These five fragments run:—

1. Cum apud nos manifesta ratione præclareat, quicumque in contumeliam antefatæ Synodi aliquid tentat agere, sibi potius nociturum.

2. Item post alia: Sed si evidenter nobis fuisset ostensum in ipsis gestis potius contineri, nullus auderet tantæ præsumptionis auctor existere, aut aliquid, quod in illum sanctissimum judicium productum est, velut dubium judicaret; cum credendum sit, illos tunc præsentes a præsenti rerum memoria diligentius, etiam præter scriptum, aliqua requirere vel definire certius potuisse, quod nobis nunc post tanta tempora velut ignota causa videatur ambiguum; cum et hoc deferatur reverentiæ synodorum, ut et in his quæ minus intelliguntur, eorum cedatur auctoritati.[1]

3. Item post alia: Salvis omnibus atque in sua perpetua firmitate durantibus, quæ in Niceno, Constantinopolitano, Ephesino primo, atque Chalcedonensi venerandis constat conciliis definita, et prædecessorum nostrorum auctoritate firmata; et cunctis, qui in memoratis sanctis conciliis abdicati sunt, sine dubitatione damnatis; et his nihilominus absolutis, de quorum ab iisdem synodis absolutione decretum est.[2]

4. Item post alia: Anathematis sententiæ eum quoque subdentes, qui quævis contra predictam Synodum Chalcedonensem, vel præsenti, vel quolibet in hac causa sive a nobis sive a quibuscumque gesta scriptave inveniantur, pro aliqua

[1] As we do not know the connection in which this fragment stands, we cannot easily ascertain its meaning. Vigilius probably said: "If they had succeeded in showing that the anathema on the three chapters was *implicite* contained in that which happened at Chalcedon, no one would longer admit this presumption, and regard as undecided (doubtful) what the Synod of Chalcedon has settled, since the members of the Council of Chalcedon were able to examine and decide much which was not put into writing (*i.e.* without its standing in the Acts) which is now unknown to us and seems unsettled; and since, moreover, we owe reverence towards the Synods, even those of their conclusions which are not fully known are to be respected.

[2] The sense is: "All shall remain in force which the four Synods have decreed, and the Popes have confirmed. All who were condemned by these Synods remain condemned, and those who were acquitted remain acquitted."

susceperit firmitate; et sancta Chalcedonensis Synodus, cujus magna et inconcussa est firmitas, perpetua et veneranda, sicut Nicæna, Constantinopolitana, ac Ephesina prima habent, suam teneant firmitatem.[1]

5. Item post alia: Anathematizamus et eum quoque, quicumque sanctam Nicænam, Constantinopolitanam, Ephesinam primam, atque Chalcedonensem sanctissimas Synodos in una et immaculata fide de Apostolis consonantes, et ab Apostolicæ sedis præsulibus roboratas, non et fideliter sequitur et æqualiter veneratur; et qui ea quæ in ipsis conciliis, quæ prefati sumus, gesta sunt, vult quasi prave dicta corrigere, aut vult imperfecta supplere.[2]

From the letter of Vigilius to Rusticus and Sebastian we learn that Rusticus, a nephew of the Pope and a deacon, his attendant in Constantinople, at first extolled the *Judicatum* to the echo, declared it to be quite excellent, and circulated it without the knowledge or will of the Pope in many copies.[3] The deacon Sebastian and other Roman clerics who were about the Pope had also at first approved of it; but they afterwards went over to the other party of the Africans, and offered the Pope such opposition, that he was obliged to place them under anathema, which he did in the letter in question.[4]

Significant for the point of view of Vigilius is his utterance, three years later, on the aim and character of his *Judicatum*, in the bull of excommunication against Theodore Ascidas. He said that, "in order to remove present offence,

[1] Sense: "We anathematise everyone who regards anything as of force, which, either in the present edict or at any time, seems written by us or by others in anyway against the Council of Chalcedon. This Synod, whose solidity remains unshaken and permanent, must have the same force as the Nicene," etc.

[2] "We anathematise him also who does not faithfully adhere to the holy Synods of Nicæa, Constantinople, Ephesus, and Chalcedon, which agree with the apostolic doctrine, and have been confirmed by the Popes, or who does not hold them all in equally high honour, or thinks to improve or complete any part of them."

[3] The Pope said that whoever wanted a copy of the *Judicatum*, should ask for it of Mennas, to whom it was addressed. Mansi, *l.c.* p. 353; Hardouin, *l.c.* p. 177.

[4] In Mansi, t. ix. p. 351 sqq.; Hardouin, t. iii. p. 175 sqq.

he had *condescended*, in order to quiet men's minds, he had *relaxed the severity of right*, and in accordance with the need of the time had ordered things *medicinally*."[1] To the same effect the Italian clergy about this time, that "Vigilius had at first been unwilling to agree to the anathema on the three chapters, but in consequence of negotiations (*tractatu habito*), he had ordered the matter *sub aliqua dispensatione*, carefully admonishing that the Synod of Chalcedon must in no way suffer depreciation."[2] We can see that these clergy, as well as Vigilius, proceeded on the supposition that nothing could be undertaken against Theodore of Mopsuestia in particular, as he had died more than a hundred years ago in the communion of the Church, and had not been condemned by the Council of Chalcedon. In the same way the reputation of the two other men was not to be attacked, as the Synod of Chalcedon had restored Theodoret and Ibas to their sees, after they both had pronounced anathema on Nestorius, without condemning the letter of the one, or certain writings of the other. But as, on the other hand, the three *Capitula* had given so great offence to many, and troubled the peace of the Church, an anathema on them might be justified as a remedy for the sickness of the time, and as a compromise, since, objectively considered, the anathema on Theodore of Mopsuestia and his writings, and also that on some writings of Theodoret, and on the letter of Ibas, might be justified. If, therefore, on the other hand, an anathema should be pronounced over the really reprehensible three chapters, and, on the other hand, should protect the authority of the Council of Chalcedon in the most effectual manner, nothing wrong would be done, and both parties would be satisfied. Cardinal Noris therefore (*l.c.* t. i. p. 595) remarks quite accurately: "Et quidem utrique parti si fecisse satis Vigilius arbitrabatur: Græcis, quod tria capitula condemnasset; Latinis, quod salva synodo Chalcedonensi id se fecisse contestaretur."

[1] Mansi, t. ix. p. 59; Hardouin, t. iii. p. 8: "Pro scandalo refrenando condescendentes quorundam animis, quos aliqua dispensatione credimus temperandos, . . . quædam pro tempore medicinaliter existimavimus ordinanda." Dispensatio = provida juris relaxatio. Cf. Du Cange, *Thesaurus*, t. ii. p. 1545.

[2] Mansi, t. ix. p. 153; Hardouin, t. iii. p. 47.

Sec. 260. *Opposition to the* Judicatum.

Soon after the publication of the *Judicatum*, the Empress Theodora, the great enemy of the three chapters, died, June 28, 548;[1] but her death seems to have had no influence on the progress of the controversy. That the Emperor Justinian was not quite contented with the *Judicatum*, and demanded a similar document from the Pope without the clause in reference to the Council of Chalcedon, we are told by the Italian clergy in their letter to the Frankish envoys. As, however, no one else speaks of this, and the Emperor Justinian was always a great admirer of the fourth Œcumenical Council, this intelligence deserves little credit; and, moreover, the remark of Victor of Tununum rests upon an anachronism, when he says that Justinian now issued new commands against the three chapters.[2] On the contrary, it is certain that an energetic opposition to the *Judicatum* soon arose, and Vigilius was bitterly blamed by many, and accused of treachery. This happened principally in Constantinople itself, where the Pope spent several years, because the Emperor wished it, perhaps also because Rome had at that very time fallen into the hands of the Goths. Prominent among those who were dissatisfied with the *Judicatum* in Constantinople were Bishop Dacius of Milan and Facundus of Hermione. It is well known that the latter composed a large work in twelve books in defence of the three chapters and presented it to the Emperor, and the only question is as to the time of its completion and presentation. Victor of Tununum would place it in the eleventh year after the consulate of Basil.[3] According to the ordinary mode of reckoning, the year 551 would be signified; but, as Noris has long ago excellently showed (*l.c.* t. i. p. 652 sq.), Victor follows another mode of reckoning. As is known, Basil was the last consul in the year 541; but for a long time they indicated the years following by his name. Accordingly the

[1] Cf. observations of Ballerini in works of Noris, iv. 951.

[2] Victor. Tunun., *Chron. ad ann.* 548, in Galland. t. xii. p. 230.

[3] In Galland. t. ii. p. 230. The text, "Eo tempore vii. Facundi-refulsere," is therefore to be corrected into, "Eo tempore xii. libri Facundi-refulsere."

year 542 must be called simply *post Consulatum Basilii*, but the year 543, *ann. ii. post Cons. Bas.* Departing from this manner of reckoning, Victor designates the year 542 as *ann. ii. post Cons. Bas.* (regarding it as the second year of his enduring consulate), and thus, with him, *ann. xi. post Cons. Bas.* is not identical with 551, but with 550. But neither must we place the composition of the *Defensio trium capitulorum*, by Facundus, in the year 550. Baronius (*ad ann.* 547, n. 32) thinks that the whole contents of the book point to the conclusion that it was completed *before* the rupture of the author with the Pope, and thus before the issuing of the *Judicatum*, and before Facundus took up a schismatical position. In fact, Pope Vigilius is never attacked in this *Defensio*, whilst, in his second treatise, *Contra Mocianum*, Facundus falls upon him most violently. Yet Baronius was partly wrong; and the correct account of the matter is, that half of the *Defensio* was composed before the *Judicatum*; but the work was interrupted by the conferences (sec. 259), and it was not until the end of these, and so after the appearance of the *Judicatum*, which followed directly after the conferences, that it was completed." This completion, however, must not be brought so late as the year 550, but rather to a period immediately after the appearance of the *Judicatum*. Later on Facundus would have written much more violently; but at that time the tension between him and the Pope had not yet led to a complete rupture. He still spared Vigilius, so that even in the last books of the *Defensio* he did not refer to the *Judicatum*, and he might then still hope to bring about an agreement with the Emperor. At a later period he would certainly have no longer cherished sanguine expectations of this kind, and to such a later time belongs the composition of his book, *Contra Mocianum Scholasticum*, which blamed the African bishops because they had broken off communion with Vigilius after the appearance of the *Judicatum*. In this book Facundus attacks the *Judicatum* as a *nefandum*.[1] He had then, for the sake of his safety, fled from Constantinople, and was in a place of concealment[2] known only to his friends.

[1] Galland. t. xi. p. 816. [2] *Ibid.* p. 811.

The time of composition falls between the appearance of the *Judicatum* and that of the *Constitutum*; for by the latter, in which he now defended the three chapters, Vigilius had again propitiated Facundus. That the treatise in question should not be removed to a still later period, when Vigilius had anathematised the three chapters a second time and confirmed the fifth Synod, we learn from the fact that Facundus in the treatise is quite silent on this subject.

We learn from Vigilius himself that at an early period some in Constantinople so strenuously opposed him and his *Judicatum*, that he had been obliged to excommunicate them. With these, he says, his own nephew, the deacon Rusticus who had previously commended the *Judicatum* so highly, secretly associated himself, and stirred up others against him both in Constantinople and in Africa. When examined on the subject he had, in writing, given his assurance on oath never again wilfully to infringe his obedience to the Pope. Nevertheless he had attached himself to the much worse Roman deacon Sebastian, who had likewise formerly commended the *Judicatum*, and called it a heaven-descended book. Both had cultivated intercourse with the monks Lampridius and Felix, who, on account of their opposition to the *Judicatum*, had already been excommunicated by the general threat of excommunication contained in that document, and also, with other excommunicated men, had arrogated to themselves the teaching office, and had written to all the provinces that "the Pope had done something to the disparagement of the Council of Chalcedon."

By their position as Roman deacons it had become possible to them to lead many astray, and thus through them such confusions and party fights had arisen in different places that blood had been shed in the churches. Further, they had ventured to assert, in a memorial to the Emperor, that Pope Leo I. had approved the heretical writings of the Mopsuestian, etc. Vigilius had long tolerated this, and, in priestly patience, had deferred their punishment (*rescatio*), hoping that they would come again to reflection. As, however, they had despised his repeated exhortations, which he had conveyed to them by bishops and other clergy, and by

layman of high standing, and had refused to return either to the Church or to the Pope, he must now punish them, and herewith depose them, until they amended, from the dignity of the diaconate. In the same way the other Roman clerics who had taken their side, John, Gerontius, Severinus, John, and Deusdedit, should be deprived of their posts as subdeacons, notaries, and defensors until they began to amend. The like judgment shall befall the monk (abbot) Felix, already mentioned, who presided over the Gillitan convent in Africa, and by his levity scattered his monks,[1] and also all those who would keep up communication with him or any other excommunicated person, particularly with Rusticus and the others.[2]

If this sentence of excommunication was sent forth after March 18, 550, as we shall shortly show, we can also see: (*a*) that, immediately after the appearance of the *Judicatum*, some of those at Constantinople opposed the Pope so violently that he was obliged to excommunicate them; (*b*) that two monks, Lampridius and Felix of Africa, came to Constantinople and opposed the *Judicatum* by speech and by writing; (*c*) that the Pope's nephew Rusticus and other Roman clergy joined these opponents, and circulated detrimental reports concerning the Pope in all the provinces; (*d*) that the Pope gave them repeated warnings before proceeding to extremities; and that (*e*) in many provinces parties arose for and against the *Judicatum*, and there arose between them bloody frays even in the churches.

That Rusticus and Sebastian had, at a very early period, occasioned movements in the province of Scythia, we see from the Pope's letter to Bishop Valentinian of Tomi, dated March 18, 550.[3] The latter had given the Pope intelligence respecting the rumours circulated in his province, and the disturbances which had arisen, and Vigilius, in his answer,

[1] On this Abbot Felix, cf. Garnier, *Diss. de V. Synodo*, in Schulze's edition of the works of Theodoret of Cyrus, t. v. p. 562.

[2] This brief of excommunication is in Mansi, t. ix. p. 351 sqq.; Hardouin, t. iii. p. 175 sqq.

[3] On the date of this letter, cf. note 1, in Mansi, t. ix. p. 362, where, however, instead of 749, we must read 549, and instead of 530, 550. Garnier, *l.c.* p. 563 would alter the date, but cf. Ballerini, *l.c.* t. iv. p. 1026 sq.

declares that it is entirely untrue that he had censured the *persons* of Theodoret and Ibas, or generally that he had done wrong to any of those bishops who had subscribed the Council of Chalcedon. If his *Judicatum* to Mennas were read, it would be shown that he had done or ordained nothing which was contrary to the faith and the doctrine of the four venerable Councils of Nicæa, Constantinople, Ephesus, and Chalcedon, or the decrees of the earlier Popes. The originators of that scandal which arose in Scythia, were Rusticus and Sebastian, whom he had excommunicated some time ago, and who would soon, unless they amended, receive the canonical punishment (deposition from office).[1] He requested Valentinian to warn all connected with him against these promoters of disturbances; and if any had doubts, they might come personally to the Pope.[2]

Archbishop Aurelian of Arles, as well as Valentinian of Tomi, had written to the Pope in the year 549.[3] Occasion for this also was given by the accusation, circulated in Gaul, that the Pope had done something which contradicted the decrees of his predecessors, and the creed of the four Œcumenical Councils. Vigilius quieted him on this subject, and appointed him to be his vicar in Gaul,[4] to warn all the other bishops against false and lying rumours. He adds that he will explain to Aurelian, as far as possible, all that has happened, through Anastasius, whom Aurelian had sent with his letter to Constantinople; and further, that when the Emperor allows him to return to Rome, he will send from thence a special envoy to Arles. Meanwhile let Aurelian unceasingly petition Childebert, king of the Franks, that he would apply to the King of the Goths (Totilas), who had

[1] Pagi, *ad ann.* 550, n. 5, properly infers from this that the Pope had pronounced the *excommunication* of Rusticus and the others a considerable time *before* March 18, 550 (the date of the present letter), but the *deposition* later. Garnier, on the contrary (*l.c.* p. 562), places the latter in the year 549.

[2] Mansi, t. ix. p. 359; Hardouin, t. iii. p. 181.

[3] *Pridie Idus Julias* the Pope received Aurelian's letter, and despatched his answer, April 29, 550. Accordingly we must understand that the *Idus Julias* belonged to 549. Garnier (*l.c.* p. 563) would alter the date.

[4] Two earlier letters of Vigilius, in which he appoints Aurelian, after the death of Auxanius, the previous bishop of Arles, to be his vicar in Gaul, are found in Mansi, t. ix. p. 46 sq.

taken the city of Rome, on behalf of the Roman Church and its rights.[1]

Still more violent than in Gaul and Scythia was the opposition to the *Judicatum* in Illyria, Dalmatia, and Africa. That the bishops of Dalmatia did not receive the *Judicatum*, we learn from the letter of the Italian clergy,[2] already frequently quoted. The Illyrian bishops, however, according to the account given by Bishop Victor of Tununum, assembled in a Synod in the year 549, according to his corrected chronology, already noted. Where this Synod was held is not known; but the bishops declared themselves for the three chapters, addressed a document in defence of them to the Emperor, and deposed their Metropolitan Benenatus from Justiniana I., because he defended the rejection of the three chapters.[3] The Africans went still further, and at their Synod, A.D. 550, under the presidency of Reparatus of Carthage, formally excommunicated Pope Vigilius on account of the *Judicatum* until he should do penance. They also sent memorials in favour of the three chapters, through the Magistrian Olympius, to the Emperor.[4] The latter found the matter of such importance, that he addressed rescripts to the Illyrians and Africans, in which he defended the anathema on the three chapters. They are lost; but we gain information respecting them in Isidore of Seville.[5]

[1] Mansi, t. ix. p. 361 sqq.; Hardouin, t. iii. p. 183 sqq. From a letter of the Italian clergy to the Frankish envoys (Mansi, *l.c.* p. 155; Hardouin, *l.c.* p. 50, cf. below, sec. 264), we learn that this Anastasius was not allowed to return to his home for more than two years, until after he had promised to persuade the Gallican bishops to pronounce anathema on the three chapters. These Italian clergy maintain that the Pope (probably later, A.D. 551, when he would no longer condemn the three chapters) wanted to forward another letter by Anastasius to Bishop Aurelian of Arles, but the Emperor would not allow it, and he was permitted to send only the letter from which we have made extracts (which the Italian clergy characterised in general).

[2] Mansi, t. ix. p. 153; Hardouin, t. iii. p. 47.

[3] Victor. Tunun., *ad ann.* 549, in Galland. t. xii. p. 230. The Emperor Justinian founded on the site of a village at Tauresium in Dardania Europæa a splendid city, which he named Justiniana I., and which became in 541 also an ecclesiastical metropolis; cf. Noris, *l.c.* t. i. p. 599.

[4] Victor. Tunun., *ad ann.* 550, *l.c.*

[5] Isidor. Hispal., *De Scriptoribus ecclesiasticis*, in Fabricii *Bibliotheca Eccles.* pt. ii. p. 54.

Sec. 261. *The* Judicatum *is withdrawn, and a great Synod proposed.*

For the appeasing of the disputes which had arisen over the *Judicatum*, the Pope and Emperor, about the year 550, agreed, first, to withdraw the *Judicatum*, and further, to have the question of the three chapters decided anew by a great Synod. The Emperor therefore gave leave to Vigilius to withdraw the *Judicatum*, and it was decided in consultation between the two, in which also Mennas, Dacius of Milan, and many Greek and Latin bishops took part, that, before the decision of the Synod which was to be called, no one should be allowed to undertake anything further for or against the three chapters. This is related by Vigilius himself in the edict against Theodore Ascidas.[1] The Italian clergy, however, tell us, besides, that Vigilius demanded that five or six bishops should be summoned from each province, and explained, that only that which should then be peacefully determined in common should prevail, since he, for his own part, would do nothing whereby, as people said, the credit of the Synod of Chalcedon should be called in question.[2] He thus took back, formally at least, his *Judicatum*; but, that he might not give it up materially, nor oppose the Emperor at the coming Synod, he took an oath to him in writing, on the 15th of August 550, to the effect that he would be of one mind with the Emperor, and labour to the utmost to have the three chapters anathematised; whilst, on the other hand, for the security of the Pope, this oath should be kept secret, and the Emperor should promise to protect him in case of necessity.[3]

Sec. 262. *Synod at Mopsuestia*, A.D. 550.

In preparation for the intended great Council, the

[1] Mansi, t. ix. p. 59; Hardouin, t. iii. p. 8.

[2] Mansi, *l.c.* p. 153; Hardouin, *l.c.* p. 47.

[3] This oath is printed in Mansi, *l.c.* p. 363; Hardouin, *l.c.* p. 184. The Ballerini oppose the genuineness of the document in question (Noris, *Opp.* t. iv. p. 1037 sqq.). Cf. Walch, *Ketzerhist.* Bd. viii. S. 192 sq.

Emperor caused a kind of Synod of the bishops of Cilicia II. to be held at Mopsuestia, in order to ascertain whether the name of Theodore of Mopsuestia had been entered on the diptychs there. The Acts of this Synod are found in the minutes of the fifth session of the fifth Œcumenical Synod, at which they were read.[1] The first document referring to this assembly is the letter of the Emperor Justinian, dated May 23, 550 (not May 13, as Noris gives it), to Bishop John of Justinianopolis,[2] metropolitan of Cilicia II., to the effect that he would come to Mopsuestia to meet the bishops belonging to his Synod, and then have a meeting with all the aged people there, clergy and laity, in order to learn whether they could remember the time at which the name of Theodore had been struck from the diptychs. If they could not do this, they might declare that, in their knowledge, the name of Theodore had never been read out at divine service; finally, the diptychs were to be exhibited in their presence, and in the presence of the bishops, in order to see who had been inscribed in them instead of Theodore. A messenger with intelligence of the result of this inquiry should be sent to the Emperor, and another to the Pope[3].

The Emperor sent Bishop Cosmas of Mopsuestia information of this command given to the metropolitan, with commissions referring to it. This second document is dated May 22, 550. The Acts of the Synod of Mopsuestia are appended to it, the Synod being held June 17, 550, in the Secretarium of the church there, under the presidency of the metropolitan named, and in presence of eight other bishops and many other distinguished men. The office of imperial commissioner was discharged by the *Comes domesticorum*, Marthanius. The holy Gospels were placed in the middle of the place of assembly, and first of all the command of the Emperor was read. Thereupon the Defensor of the Church of Mopsuestia, the deacon Eugenius, presented seventeen

[1] Mansi, t. ix. pp. 274–289; Hardouin, t. iii. pp. 123–134. Cf. Noris, t. i. p. 605 sqq.

[2] The ancient Anazarbus, destroyed by an earthquake, but rebuilt by the Emperor Justinian, had recently received the name of Justinianopolis.

[3] Mansi, *l.c.* p. 274; Hardouin, *l.c.* p. 123.

aged priests and deacons, and the same number of aged laymen of distinction (among them *comites* and *palatini*) from Mopsuestia; and the Custos of the church effects, the priest John, brought in the diptychs, as well those which were then used in the church as two older which had formerly been used. These diptychs were first publicly read, then each bishop read them individually, and then the presbyter John took oath that he knew of none besides or older than these. In the same way the aged witnesses were required to make declarations on oath, laying their hands upon the book of the Gospels.

The first and oldest, the priest Martyrius, declared: "I am now eighty years old, for sixty years in Orders, and do not know and have never heard that Theodore's name was read from the diptychs;[1] but I heard that, instead of his name, that of S. Cyril of Alexandria had been inscribed, and the name of Cyril does, in fact, occur in the present diptychs, although there never was a Bishop Cyril of Mopsuestia. The Theodore, however, whose name is found in two diptychs, in the place before the last, is certainly not the older one, but the bishop of Mopsuestia who died only three years ago, and who was a native of Galatia." The like was deposed by all the other witnesses, clergy and laymen; whereupon the bishops, in somewhat prolix discourse, brought together the results of these testimonies and of the examination of the diptychs, namely, that at a time beyond the memory of any living man, the Theodore in question had been struck from the diptychs, and Cyril of Alexandria inscribed in his place. This declaration was subscribed by all the bishops, and also the two documents required of them for the Emperor and Pope, in which they communicated the principal contents of the minutes of the Synod.[2]

[1] Accordingly the name of Theodore could no longer have stood in the diptychs in the youth of the martyr, *i.e.* about A.D. 480.

[2] Mansi, *l.c.* pp. 275–289; Hardouin, *l.c.* pp. 124–134. The *Libellus Synodicus* (Mansi, *l.c.* p. 150, and Hardouin, t. v. p. 1534) relates that the bishops had assembled at Mopsuestia, and had asked the clergy there and the aged laity whether the name of Theodore had ever stood in the diptychs; that this was affirmed, and the bishops now informed Vigilius of it. From hence Garnier infers (*l.c.* p. 551), certainly without justification, that there were at

Sec. 262b. *The African Deputies.*

About the same time the Emperor summoned the bishops of Illyricum and Africa for the contemplated great Synod at Constantinople. The Illyrians refused to come.[1] From Africa, however, appeared, as deputies of the collective episcopate, Reparatus, archbishop of Carthage; Firmus, primate, or *primæ sedis Episcopus*, of Numidia; and Bishops Primasius and Verecundus, from the province of Byzacene. Soon Greek bishops endeavoured, by flatteries and threats, to gain them over to subscribe the anathema on the chapters. As this remained without result, Reparatus of Carthage was blamed, as being the cause of the imperial *Magister militum* in Africa, Areobindus, a relative of the Emperor, being murdered by the usurper Guntarit (Gontharis[2]); and upon this accusation Reparatus was deprived of his office and property, and was banished. At the same time, by imperial authority, the faithless representative of the deposed bishop, Primasius (who is not to be confounded with the bishop of the same name mentioned above), was placed on the throne of Carthage, in an uncanonical manner, during the lifetime of Reparatus, against the wishes of the clergy and laity, after he had condemned the three chapters. His intrusion was not carried through without effusion of blood.

The second African deputy, the Primate Firmus of Numidia, allowed himself to be bribed by presents, and subscribed the required anathema, but died on the return

that time two Synods held at Mopsuestia: the one called by the Emperor, in order to prove that Theodore's name had been struck from the diptychs; the other ordered by the Pope, in order to show that the name had once stood in the diptychs. Cf. on the other side the *Defensio* of the Ballerini, in their edition of the works of Cardinal Noris, t. iv. p. 1024.

[1] Mansi, *l.c.* p. 153; Hardouin, *l.c.* p. 47.

[2] Reparatus was innocent. Gontharis, Lieutenant-General of Areobindus, and commander in Numidia, had rebelled and set up as Regent of Africa. Areobindus fled with his family into a monastery. The usurper, however, sent Bishop Reparatus to Areobindus, to convey to him a sworn promise of safety, and to invite him to return to Carthage. Reparatus accomplished the commission *bonâ fide*; Areobindus left his asylum, and was received at his table by Gontharis, but was afterwards murdered. Procop., *De Bello Vandalico*, lib. ii. cc. 25 and 26 in the Bonn edition of the Byzantines, Pars ii. vol. i. pp. 515–522; Baronius, *ad ann.* 545, n. 21; Noris, *l.c.* t. i. p. 614.

journey to the sea a disgraceful death. His colleague, Primasius, of the Byzacene province, was at first steadfast, and was therefore sent into a monastery; but afterwards, when Boethius, the primate of the Byzacene province, had died, he agreed to sign the anathema on the three chapters, in order to become his successor. He returned to Africa and oppressed and plundered the bishops of the opposite party, until at last the merited punishment overtook him, and he was forced to give up all his unrighteous possessions, and died a miserable death.

Finally, the fourth African deputy, Bishop Verecundus, on account of his adhesion to the three chapters, was forced subsequently to flee with Pope Vigilius to Chalcedon, and take refuge in the Church of S. Euphemia, where he also died. The governor of Africa, moreover, sent all those bishops whom he had discovered to be willing to receive a bribe, or to be otherwise perverted, to Constantinople, in order that they might subscribe the condemnation of the three chapters.[1]

Sec. 263. *The Second Imperial Edict against the Three Chapters.*

How little the Emperor and his party really wanted a new synodal examination of the whole question is shown not only by what has already been mentioned, but also by the strange conduct of Theodore Ascidas. In the harshest contradiction to the union between the Pope and Emperor already mentioned (sec. 261), at his suggestion a document was read aloud in the imperial palace, in which the three chapters were anathematised, and to which the subscriptions of several Greek bishops were demanded. Vigilius remonstrated on the subject with him and his friends, and they asked forgiveness with specious excuses. In spite of this, Theodore Ascidas circulated that document still more widely, irritated the Emperor, and made him discontented with Vigilius, and brought it about that, without waiting for the Synod, edicts

[1] We obtain this information from Victor. Tunun. *l.c.* (Galland. t. xii. p. 230), and from the letter of the Italian clergy in Mansi, t. ix. p. 153 sq.; Hardouin, t. iii. p. 47.

were drawn up, containing an anathema on the three chapters. Vigilius himself tells this;[1] and the new edicts in question were certainly nothing else, in several places, than passages taken from the complete *ὁμολογία πίστεως Ἰουστινιανοῦ αὐτοκράτορος κατὰ τῶν τριῶν κεφαλαίων*. This second edict of the Emperor against the three chapters was drawn up between 551 and 553, probably in the year 551, was addressed to the whole of Christendom, and is still extant.[2] Nothing is so calculated, the Emperor says, to propitiate the gracious God, as unity in the faith; therefore he lays down here the orthodox confession. Then follows a kind of creed, in which, first, the doctrine of the Trinity, principally in opposition to Sabellius and Arius, is defined; but much more completely is the doctrine of the Person of Christ explained, in opposition to the Nestorians and Monophysites. For example, "He who was born of Mary is one of the Holy Trinity, according to His Godhead of one substance with the Father, and according to His manhood of one substance with us, capable of suffering in the flesh, but incapable of suffering in the Godhead; and no other than the Word of God subjected Himself to sufferings and death. It is not one Word (Logos) that worked miracles, and another Christ who suffered; but one and the same Lord Jesus Christ, the Word of God, became flesh and man. . . . If we say that Christ is composed (*σύνθετος*) of two natures, Godhead and manhood, we bring no confusion (*σύγχυσις*) into this unity (*ἕνωσις*), and since we recognise in each of the two natures the one Lord Jesus Christ, the Word of God made man, we bring no separation nor partition nor division into the one personality; but we designate the natures of which HE is composed, and this difference is not denied by the *ἕνωσις*, since each of the two natures is in Him. . . . The divine nature is not changed into the human, nor the human into the divine; rather, whilst each remains within its bounds, the unity of personality (hypostatic unity) is produced by the Logos. This hypostatic unity means that God the Word, this one Hypostasis (Person) of the Trinity, united Himself not with a previously existing

[1] Mansi, *l.c.* p. 59 sq.; Hardouin, *l.c.* p. 8 sq.
[2] Mansi, *l.c.* pp. 537–582; Hardouin, *l.c.* pp. 287–322.

man, but in the body of the blessed Virgin, HE took flesh for Himself of her own person, animated by the reasonable and rational soul,—and this is human nature. This hypostatical union of the Word with flesh is taught also by the Apostle Paul. . . . Hence we acknowledge two births of the Logos: the one from all eternity of the Father, incorporeal; the other in the last days, when HE became flesh and man from the holy God-bearer (*θεοτόκος*). . . . He is Son of God by nature, we are so by grace; He has, for our sakes and *κατ' οἰκονομίαν*, become a Son of Adam, whilst we are by nature sons of Adam. . . . Even after the Incarnation HE is one of the Holy Trinity, the only-begotten Son of God, our Lord Jesus Christ, composed (*σύνθετος*) of both natures. This is the doctrine of the Fathers. . . . Confessing this, we accept also the expression of Cyril, that there is *μία φύσις τοῦ θεοῦ λόγου σεσαρκωμένη*, . . . for as often as he used the expression, he made use of the word *φύσις* in the sense of *ὑπόστασις*, for in the books in which this mode of speech occurs, he speedily uses again, instead of this, the expressions *λόγος* and *υἱός* and *μονογενής* (as identified with *μία φύσις τοῦ θεοῦ λόγου σεσαρκωμένη*), and thereby indicates the *Person* or Hypostasis, and not the *Nature*. . . . And he who confesses Christ as God and as man, cannot possibly say that there is only one nature or substance (*οὐσία*) in Him. That Cyril, in those places, really took *φύσις* in the sense of *person*, is shown by his two letters to Succensus and the thirteenth chapter of his *Scholia*. . . . Christ is thus one Hypostasis or Person, and HE has in Himself the perfection of the divine and uncreated nature, and the perfection of the human and created nature."

Further, those are combated who, misusing a simile of the Fathers, would teach only one nature of Christ. Some Fathers, particularly Athanasius, had compared the union of the Godhead and manhood in Christ with the union of body and soul in man. Then the Monophysites said: As body and soul constitute only one human nature, so the Godhead and manhood in Christ also combine into one nature. On the contrary, the imperial edict declares: "If there were only one nature in Christ, then were it necessary that HE should be

either without flesh, and only of one substance with God, or pure man, and only of one substance with us; or that the united natures should constitute one new nature different from both; but then Christ would be neither God nor man, and consubstantial neither with God nor with us. Such an assumption, however, were impious."

Another objection of the Monophysites ran: We must not assume a number of natures in Christ, otherwise we should bring in a division in Christ, which would be Nestorian. To this the imperial edict replied: "If there was a reference to a number of different *persons*, then this would imply a division into parts; but if we speak of a number in united objects, the division is made only in thought, as, for example, in the distinction of soul and body in the unity of the human person. There, too, there are two φύσεις, that of the soul and that of the body, but the man is not thereby himself divided into two. So in Christ we have to recognise a number of natures, but not a number of persons.

This is proved from Gregory of Nazianzus, from Cyril, and from Gregory of Nyssa, and then the difference between φύσις (= *ουσία*) and ὑπόστασις is explained, particularly in the Holy Trinity. "We may therefore," the Emperor proceeds, "speak of one compound Hypostasis (Person) of God the Word (διὰ τοῦ εὐσεβῶς εἴποι τις ἂν μίαν ὑπόστασιν τοῦ θεοῦ λόγου σύνθετον), but not of one composed of one nature. The nature is, in itself, something indefinite (ἀόριστον), it must inhere in a person. When, however, they say: The human nature in Christ must also have its own personality, this is as much as to say that the Logos has become united with a man already existing by himself; but two persons cannot become one. . . . Whoever says that before the union there were two natures, like Theodore of Mopsuestia and Nestorius, means that there was first a man formed, and then he was united with the Logos. But whoever says that after the union we must no longer speak of two, but only of one nature of Christ, introduces a σύγχυσις and φαντασία, like Apollinaris and Eutyches. Before the Incarnation there were not two Lords, and after the Incarnation there is not merely one nature." The four Œcumenical Synods, including that of

Chalcedon, are then adduced, and then the edict goes on: "As this is the truth, we will append *κεφάλαια*, which contain in brief the true faith and the condemnation of heretics." The principal contents of these are as follows:—

1. Whoever does not confess the Father, Son, and Spirit as one Godhead or nature, to be worshipped in three hypostases or persons, let him be anathema.

2. Whoever does not confess that the eternal Son of God was made man, and so had two births, an eternal and a temporal, let him be anathema.

3. Whoever says that the wonder-working Logos is another than the suffering Christ, and that the Logos united Himself with one born of a woman, and is not one Lord, etc., let him be anathema.

4. Whoever does not confess an hypostatical union of the Logos with the flesh, *μίαν αὐτοῦ τὴν ὑπόστασιν σύνθετον*, but, like Nestorius, merely a union of the Godhead and manhood, *κατὰ χάριν*, or, as the heretic Theodore of Mopsuestia says, *κατὰ εὐδοκίαν*, let him be anathema.

5. Whoever does not name Mary the Godbearer in the full sense, let him be anathema.

6. Whoever does not confess that the crucified Christ is true God and One of the Holy Trinity, let him be anathema.

7. Whoever accepts two natures but not one Lord, but allows a *διαίρεσις ἀνὰ μέρος*, as if each nature were a proper hypostasis, like Theodore and Nestorius, let him be anathema.

8. Whoever, speaking of two natures in Christ, assumes not merely a *διαφορὰ τῇ θεωρίᾳ*, but a numerical division into parts (*διαίρεσιν ἀνὰ μέρος*), let him be anathema.

9. Whoever, speaking of a *μία φύσις τοῦ θεοῦ λόγου σεσαρκωμένη*, does not understand this so that of the divine and human natures there has come one Christ, but that Godhead and manhood coalesced into one nature, like Apollinaris and Eutyches, let him be anathema.

10. The Catholic Church anathematises both those who separate and those who mix (*διαιροῦντας καὶ συγχέοντας*). Whoever does not anathematise Arius, Eunomius, Macedonius, Apollinaris, Nestorius, and Eutyches, and all who teach as they do, let him be anathema.

11. Whoever defends Theodore of Mopsuestia, who says: (*a*) That God the Word is one, and another is the Christ tormented by sufferings of the soul and *ἐπιθυμίας τῆς σαρκός*, Who grew in virtue, was baptized in the Name of the Father, the Son, and the Holy Ghost, through baptism received the grace of the Holy Spirit and Sonship, and is reverenced as the image of God the Word, like the image of an Emperor, and after the resurrection became unchangeable in disposition and quite sinless; (*b*) who (Theodore) further says: The union of God the Word with Christ is of the same kind, according to the Apostle Paul (Eph. v. 31), as that between man and wife, the two become one flesh; (*c*) who, besides countless other blasphemies, dared also to say: When the Lord, after the resurrection, breathed upon the disciples with the words: "Receive the Holy Ghost" (S. John xv. 28), He had given them not the Holy Ghost Himself, but breathed upon them *σχήματι μόνον* (only to point to the Holy Ghost); (*d*) he said further: The words which Thomas, after feeling Him, spoke: "My Lord and my God" (S. John xx. 28), had reference not to Christ, but to God who raised Christ up; (*e*) and, what is worse, in his commentary on the Acts of the Apostles, Theodore compares Christ with Plato, Manichæus, Epicurus, and Marcion, and says that, as each of these invented his own doctrine, and thus gave to his disciples the name of Platonists, Manichæans, etc., in the same way Christians were named after Christ, who invented a new doctrine. Whoever defends Theodore thus blaspheming, and does not anathematise him and his adherents, let him be anathema.

12. Whoever defends those writings of Theodoret, which he composed in opposition to the right faith, against the Synod of Ephesus, and against Cyril and his twelve anathematisms, and in which Theodoret teaches and maintains only a *σχετικὴ ἕνωσις* of the Word with a man, saying that Thomas had touched the Risen One, but adored Him who raised Him up; and in which he calls the teachers of the Church impious because they maintain an hypostatic union, and finally refuses to call the Virgin Mary the Godbearer,—whoever defends these writings of Theodoret, and does not rather anathematise them, let him be anathema. For, on

account of these blasphemies, he was deposed from his bishopric, and was subsequently compelled by the holy Synod of Chalcedon to maintain the opposite of these writings of his, and to confess the true faith.

13. Whoever defends the impious letter which Ibas is said to have written to the Persian heretic Maris, in which the Incarnation of the Logos is denied, and it is maintained that not God the Word, but a mere man, named Temple, was born of Mary; in which, moreover, the first Synod of Ephesus is reviled, as though it had condemned Nestorius without examination and judgment; in which, finally, S. Cyril is called a heretic, and his twelve propositions designated as impious,—whoever defends this impious letter, and in whole or in part declares it to be right, and does not anathematise it, let him be anathema.

The edict then proceeds thus: "The adherents of Theodore and Nestorius maintain that this letter was accepted by the holy Council of Chalcedon. They thus do injustice to the holy Synod, and endeavour thereby to protect Theodore, Nestorius, and the impious letter from anathema, the letter which Ibas, when often questioned on the subject, never ventured to acknowledge as his. Thus, *e.g.*, Ibas at Tyre (more correctly, at Berytus, see secs. 196 and 169) declared, that, since the union of the Antiochenes with Cyril, he had never written anything against the latter, whilst, in fact, the letter to Maris is plainly composed after that union, and is full of insults against Cyril. Ibas thus denied the authorship. His judges (at Tyre and Berytus) therefore demanded that he should take action against that letter (*i.e.* anathematise Nestorius, etc.); and, as he did not comply, he was deposed, and Nonnus raised to his place.[1] When Ibas was subsequently again accused at Chalcedon, he did not venture to acknowledge that letter, but, immediately after its being read, said that he was far from that which was imputed[2] to

[1] We have already seen (sec. 196) that Ibas was declared innocent at Tyre. But he was deposed at the Robber-Synod. On Nonnus, see sec. 196.

[2] The Emperor concludes from this that Ibas did not acknowledge the letter as his; but he certainly meant only to declare the other accusations as false. The passage is in Mansi, t. vii. p. 250; Hardouin, t. ii. p. 531.

him as an offence; but the Synod, not satisfied with this denial of the letter, compelled him to do the reverse of that which was contained in the letter, namely, confess the true faith, accept the Synod of Ephesus, agree with S. Cyril, and anathematise Nestorius. It was therefore impossible that the Synod of Chalcedon should have approved of that letter. Even when in this letter mention is made of two natures and one Dynamis, one Prosopon, even here there is a mixture of the impiety of the author. Here, as in other writings, he regards the natures as hypostatised, but the ἓν πρόσωπον he refers to the unity of dignity and honour. That his opinions generally are heretical, he shows at the end of the letter, where he says: We must thus believe in the Temple, and in Him Who dwells in the Temple. . . . Like Him, Nestorius also united with expressions of orthodox sound an heretical meaning. . . . We, however, in all ways following the doctrine of the Fathers, have set forth as well the union of the two natures, of which our Lord Jesus Christ, one of the Trinity, the incarnate Word of God, is composed, as the difference (διαφορά) of these natures, which is not removed by that union.

"That would suffice, but the opponents also maintain that the letter of Ibas itself should not be rejected, because it is found in some copies of the Acts of Chalcedon. This objection is invalid, for we also find in the Acts of the Council passages from Nestorius and others. Besides, this letter is not found in the authentic Acts of Chalcedon;[1] and besides, anything brought forward by this or that member of a Synod has no force, but only that which is decreed by the assembly.[2] Whilst, further, some rejected the writings of Theodore of Mopsuestia as impious, but would not anathematise his person, this is contrary to the word of Holy Scripture, which says: 'For the ungodly and his ungodliness are both alike hateful unto God' (Wisd. xiv. 9). When, however, they say that Theodore should not be anathematised after his death, they must know, that a heretic who persists in error until his end, is rightly punished in this manner for ever,

[1] It is found complete in the Acts we now possess. See sec. 196.

[2] An allusion to some utterances let fall at Chalcedon in favour of the letter. See secs. 196 and 258.

and even after his death, as it happened with Valentinus, Basilides, and others. . . . But that Theodoret was anathematised even in his lifetime, is shown distinctly by the letter of Ibas (sec. 196). They say further, that he should not be anathematised, because he died in Church communion. But only those die properly in Church communion who hold fast the common faith of the Church until the end; and the Mopsuestians themselves, as the Synod there (recently) showed, had long ago struck Theodore from the diptychs. Even Judas had communicated with the apostles, notwithstanding which the apostles rejected him after his death, and elected another in his place. . . .

"When they further adduce, in favour of Theodore, that Cyril had once commended him, this by itself proves nothing, for there are other heretics, who, before they were properly known, had been commended by holy Fathers, *e.g.* Eutyches by Leo, and besides, Cyril had, in many other places, expressed the strongest condemnation of Theodore. The allegation was false that Chrysostom and Gregory of Nazianzus had written letters full of the praise of Theodore. Gregory's letter referred, not to Theodore of Mopsuestia, but to Theodore of Tyana; and the letter of Chrysostom is not full of praise, but full of blame, because Theodore had left the monastic life. If, then, John of Antioch and an Oriental Synod commended Theodore, these men had also (at Ephesus) condemned Cyril and defended Nestorius. Finally, we must refer to S. Augustine. When, after the death of Cecilian, it was maintained that he had done something contrary to ecclesiastical order, and some (the Donatists) had separated themselves from the Church on that account, Augustine wrote to Boniface (Epist. 185, n. 4), 'If that were true which was charged against Cecilian, I should anathematise him even after his death.' Moreover, a canon of the African Synod requires that bishops who bequeath their property to a heretic, shall be anathematised even after their death (see sec. 84, c. 15). Further, Dioscurus was anathematised by the Church in Old Rome after his death, although he had not offended against the faith,[1] but on account of a violation

[1] Not Dioscurus of Alexandria, but the antipope of that name, A.D. 530.

of ecclesiastical order. . . . Whoever, after this true confession and this condemnation of heretics, . . . separates himself from the Church, as though our piety consisted only in names and expressions, has to give account, for himself and for those led astray by him, on the day of judgment, to the great God and our Lord Jesus Christ. Amen."

SEC. 264. *Protest, Persecution, and two Flights of the Pope.*

After issuing this imperial edict, a great conference was held in the residence of the Pope, the Placidia Palace. Greek and Latin bishops of different neighbourhoods, and the priests, deacons, and clerics of Constantinople, were present. Even Theodore Ascidas was present.[1] Both Vigilius and Dacius of Milan warned them against receiving the new imperial edict; and the former, in particular, said: "Beseech the pious Emperor to withdraw the edicts which he has had drawn up, and await the (projected) œcumenical decree on the matter in question, until the Latin bishops, who have taken offence (at the condemnation of the three chapters), shall be either personally present at a Synod, or send their votes in writing. If he should not listen to your petitions, then you ought to give your assent to nothing which tends to a rending of the Church. If, however, you should do so, which I do not believe, you must know that, from that day, you are excommunicated from the apostolic see of Peter."[2] In a similar sense spoke Bishop Dacius of Milan: "I and a part of those bishops in whose neighbourhood my church lies, namely, from Gaul, Burgundy, Spain, Liguria, Æmilia, and Venetia, testify that whoever assents to those edicts, loses the Church communion of the bishops of the forenamed provinces, because I am convinced that those edicts infringe the sacred Synod of Chalcedon and the Catholic faith."[3]

[1] So relates Vigilius in his *Damnatio Theodori* (Ascidas), in Mansi, t. ix. p. 60; Hardouin, t. iii. p. 9.

[2] So relates Vigilius in his *Encyclica*, Mansi, t. ix. p. 50 sq.; Hardouin, t. iii. p. 3.

[3] This speech of Dacius is preserved in the letter which the Italian clergy addressed to the Frankish envoys who were going to Constantinople. In Mansi, t. ix. p. 154; Hardouin, t. iii. p. 49.

Vigilius writes that not only was the edict not withdrawn, but that, on the very same day, something more vexatious was done, in opposition to all ecclesiastical rules, and with infringement of the apostolic see.[1] What he means by this we learn from his *Damnatio Theodori* (*l.c.*), namely, that Ascidas, with the other bishops whom he drew after him, in opposition to the express papal command, went into the church in which the edict was published, there celebrated the *Missarum solennia*, by their arbitrary authority struck from the diptychs Bishop Zoilus of Alexandria (certainly in partnership with Mennas) because he would not condemn the three chapters,[2] and declared a certain Apollinaris as bishop of Alexandria. The Pope, therefore, excommunicated him in the middle of July 551.[3] The Emperor became now so embittered against Vigilius and Dacius, that they, fearing for liberty and life, fled (in August 551) into the Basilica of S. Peter at Constantinople, named *in Ormisda*, when the Pope, August 14, 551, confirmed in his writing his previous declaration,[4] and on the 17th of this month pronounced the deposition of Ascidas, who had been excommunicated thirty days before, and a sentence of excommunication on his adherents, especially Mennas, *ex persona et auctoritate beati Petri apostoli*, as he says, and in communion with the Western bishops who were staying with him (likewise in the Basilica of S. Peter), namely, Dacius of Milan, John of Marsicus, Zacchæus of Squilaci, Valentinus of Silva Candida, Florentius of Matelica, Julian of Siani, Romulus of Numentus or Numana, Dominicus of Calliopoli, Stephen of Rimini, Paschasius of Aletro, Jordan of Cortona, Primasius of Adrumetum, and Verecundus of Juncæ.[5] The last two we have already met (sec. 262B) as depu-

[1] In the *Encyclica*, in Mansi, t. ix. p. 51 ; Hardouin, t. iii. p. 3.

[2] Victor. Tunun. *ad ann.* 551, in Galland. t. xii. p. 230.

[3] This date is clear, since Vigilius in his *Damnatio Theodori* says, on the 17th of August, that he had "excommunicated Theodori forty days before." Mansi, t. ix. p. 60 sq.; Hardouin, t. iii. p. 9 sq.

[4] Mansi, t. ix. p. 51 ; Hardouin, t. iii. p. 3.

[5] Mansi, t. ix. p. 60 ; Hardouin, t. iii. p. 9 ; Noris, *l.c.* t. i. p. 622 sqq. Punkes shows (*Papst Vigilius*, etc. S. 91) that in Text B, Verecundus is wrongly designated as *Nicensis*.

ties of the African episcopate; all the others were from Italy.

Vigilius did not immediately publish this *Damnatio*, but gave the document in question, as he informs us, in charge to a Christian person, in order to give the Emperor, as well as the bishops excommunicated, time to alter their mind. Should these, however, not alter their mind, or should violence be done to the Pope, or evil treatment be inflicted, or he should die, the edict was to be published at the most important places, and everyone should receive information on the subject.[1]

Vigilius was a short time, perhaps scarcely a day, in the Basilica of S. Peter, when the Prætor and a considerable number of soldiers with naked swords appeared in the church, in order to bring him out by force. He clung to the pillars of the altar; the Prætor, however, after he had made them drag out the deacons and other clergy of the Pope by the hair, gave command that the Pope himself should be seized by the feet, the head, and the beard, and dragged out. As Vigilius did not let go the pillars of the altar, it fell over, and some of its pillars were broken. In fact, the altar table would have fallen upon Vigilius and struck him dead, had not some clerics held it fast with their hands. The people were so angered by this sight, that they broke out into loud murmurs, and even several of the soldiers showed such unwillingness that the Prætor thought it well to draw off.[2]

Somewhat gentler measures were now adopted, and the Emperor sent a number of high officers of State, the celebrated Belisarius and three others, ex-consuls, Cethegus, Peter, and Justin, to the Pope, with the offer of an oath that no wrong should happen to him if he returned to his former residence. If, however, he would not receive this oath, force would have to be used. Vigilius now drew up a sketch of the oath which the Emperor was expected to furnish in writing; but the Emperor would not accept the sketch, and ordered that the commissioners already named should take

[1] Vigilii *Encyclica*, in Mansi, t. ix. p. 51; Hardouin, t. iii. p. 4.

[2] This is told by Vigilius and the Italian clergy. Mansi, *l.c.* pp. 52, 154; Hardouin, *l.c.* pp. 4, 49.

the oath. This was done. They laid the document containing the oath upon the altar, and took a corporal oath upon the cross, in which a portion of the sacred cross of Christ was enclosed, and upon the keys of S. Peter; whereupon Vigilius, in accordance with the wish of the Emperor, returned to the Placidia Palace. With him also Dacius and all his other companions left the asylum in the Basilica of S. Peter.[1]

The assurances given to the Pope were, however, so badly fulfilled, that he repeatedly reminded those imperial commissioners, in writing, of their oath, and requested them to represent to the Emperor that he had been promised protection from all molestations. Yet the persecution became daily more wanton;[2] servants and clerics of the Pope and his friends were bribed to inflict insults upon them; faithful servants, on the contrary, were torn from them; and emissaries were sent to Italy, in order to circulate falsehoods against the Pope and Dacius, to stir up the people against them, and to mislead them to the election of other bishops. They went so far as to get a notary to imitate the handwriting of the Pope, and to prepare, in his name, false letters, which a certain Stephen then brought into Italy, in order to inflame the public mind against Vigilius. The Italian clergy, who relate this,[3] add that the intention was not attained; yet they themselves seem to have apprehended from all this a very unfavourable effect upon public sentiment, on which account they now, perhaps, assembled in a Council, conveyed to the envoys then sent by the Frankish King Theodobald to Constantinople, the document to which we have so often referred, and which we first brought to light, in which the course of the controversy on the three chapters up to this time is described.[4]

[1] Mansi, *ll.cc.*; Hardouin, *ll.cc.* [2] Mansi, *l.c.* p. 52; Hardouin, *l.c.* p. 5.

[3] Mansi, *l.c.* p. 154 sq.; Hardouin, *l.c.* p. 49 sq.

[3] In the autumn of 551, Procopius, *De Bello Gothico*, iv. 24, relates that the Emperor Justinian, after the death of the Austrasian King Theodobert (A.D. 548), sent to his son and successor Theodobald his Minister of State, to move him to an alliance against the Goths, etc. Upon this Theodobald sent the distinguished Frank, Leudard, with three other men of distinction, to Constantinople. Cf. Walch, *Ketzerhist.* Bd. viii. S. 210.

At the same time, the petition was inserted in the document to the Frankish envoys that they would convey this intelligence to their own country as speedily as possible, so that their countrymen might not be deceived either by the emissaries ordered there, or by that Anastasius, who had been sent more than two years ago by Bishop Aurelian of Arles to Constantinople, to the Pope, but had been kept there so long, until he promised that he would persuade the Gallican bishops to pronounce an anathema on the three chapters. The envoys were also requested to ask the Gallican bishops to write letters to Vigilius and Dacius, to comfort them, and to encourage them to make opposition to all innovations. In the third place, during their stay in Constantinople, they should intercede for Dacius, so that he might, after an absence of fifteen or sixteen years, be allowed to return again to his diocese, particularly as many sees, for which new bishops had to be ordained, had for years been vacant, so that many persons had died without baptism.[1] Moreover, they should ask Dacius personally why he had not long ago returned to his church. Finally, they must take care not to be caught by the opponents, even if these should declare that they were thoroughly orthodox and full of respect for the Council of Chalcedon. The Italian clergy add that they had received all this intelligence from quite trustworthy people in Constantinople, also that in Africa acts of violence were committed against clergymen, and that all Romans were forbidden to visit the Pope.[2]

In the meantime Vigilius found out, more and more, that the Emperor was thoroughly indisposed to keep that oath. All ways of approach to the dwelling of the Pope were watched, and the residence itself surrounded by so many suspicious people, that Vigilius escaped two days before Christmas, 551, full of anxiety, and under the greatest dangers, with his friends to Chalcedon, and sought refuge in the Church of S. Euphemia (a celebrated asylum) there, in

[1] From the special interest on behalf of Dacius, it is concluded that the Italian clergy who wrote this letter may have been from Milan ; cf. Walch, *Ketzerhist.* Bd. viii. S, 210, Anm. 2.

[2] Mansi, *l.c.* pp. 151–156 ; Hardouin, *l.c.* pp. 47–50.

which the fourth Œcumenical Synod was held. From hence he published, in January 552, the decree against Ascidas and Mennas, which had been drawn up nearly six months before; but here also he was persecuted, even beaten, two of his deacons, Pelagius and Tullianus, torn from the church, various *sacerdotes* (probably bishops in the train of the Pope) arrested.[1] Vigilius himself was here seized by a violent sickness,[2] and his companion, Bishop Verecundus of Africa, died in the hospital of the Church of S. Euphemia (sec. 262B).

Sec. 265. *New Negotiations for gaining over Pope Vigilius.*

Towards the end of January 552, the Emperor again entered into communications with the Pope, and, on the 28th of January, sent the same commissioners to him whom he had sent previously to the Basilica of S. Peter.[3] They must have again offered an oath to the Pope, and invited him to return to Constantinople. He answered: "If the Emperor will arrange the affairs of the Church and restore peace again, as

[1] This is related in a document first edited by Baluze (Mansi, t. ix. p. 56 sqq.; wanting in Hardouin), which is nothing but a letter of the Roman clergy to good friends (supposed to be the Gallican envoys) on the events connected with Vigilius. At the same time a confession of faith of the Pope is appended, very similar to that which he embodied in his *Encyclica* of February 5, 552 (see next sec.). This confession of faith is, however, dated August 25, 551 (Justinian entered upon the government, at first co-government, April 1, 527). If this date is correct, this confession of faith cannot have been issued from the Church of S. Euphemia, but earlier, from the Basilica of S. Peter. Moreover, the date, August 25, 551, refers only to the confession of faith, and not to the whole document; for this contains references to later events, particularly to the ill-treatment of the Pope in S. Euphemia's Church, noted above.

[2] He mentions this at the beginning of his *Encyclica*. Mansi, *l.c.* p. 50; Hardouin, *l.c.* p. 3.

[3] In the *Encyclica* of the Pope, in Mansi, erroneously under the date *Kalendis Februarii*. That this is false appears from the fact that even there that day is indicated as Sunday, whilst February 1, 552, fell upon a Thursday (cf. Weidenbach, *Calendarium historico-christianum*, pp. 32 and 86); and moreover, it is said below, in the same document, of a somewhat later incident, that the imperial officer of State, Peter, came again to the Pope *pridie Kalendas Febr.* We read therefore, in Hardouin, instead of *Kalendas Febr.*, correctly *v. Kal. Febr.*, for January 28 was certainly a Sunday. We see this not only from the Tables of Weidenbach, but also from a passage of the *Encyclica* of the Pope (Mansi, *l.c.* p. 55; Hardouin, *l.c.* p. 7), where also February 4, 552, is mentioned as Sunday.

his uncle Justin did, I need no oath, and will immediately appear. If, however, he will not do this, I likewise need no oath, for I will not leave the Church of S. Euphemia, unless the offence is first removed from the Church."

At the same time, Vigilius placed before the commissaries what he had said to the bishops in that conference (sec. 264), when he had betaken himself to S. Peter's Church, and drawn up the sentence of punishment against Ascidas and Mennas, etc. He also informed the Emperor, through the commissaries, that he would have no intercourse with the excommunicated men.

At the end of January one of those commissaries, Peter, appeared, for the second time, in the Church of S. Euphemia, and presented a document which Vigilius was required to accept. He refused, and declared the document to be a forgery, because it was not signed by the Emperor, and also because the commissary would not sign it. Its contents are unknown. Vigilius says only that it was full of untruths, insults, and, moreover, of accusations against the Vicar of the Prince of the Apostles. It was, however, the occasion of his addressing an Encyclical to all the faithful, in which he relates all that we have communicated from this Encyclical. To this he adds the information, already given above, of his being ill-treated in the Church of S. Peter, of his being subsequently induced by an oath to return to the palace; but, notwithstanding, of his being obliged to flee to the Church of S. Euphemia. In order, however, he proceeds, that the lies circulated might deceive no one, he adds a complete confession of faith, in which he first recognises the importance of the four Œcumenical Synods, and then emphasises the unity of the person and the duality of the natures in Christ, and finally, anathema is pronounced upon Arius, Macedonius, Eunomius, Paul of Samosata, Photinus, Bonosus, Nestorius, Valentinus, Manes, Apollinaris, Eutyches, Dioscurus, and their doctrines. Finally, this Encyclical relates that, on Sunday, February 4, that State official, Peter, had come again, and had declared in the name of the Emperor that the Pope should determine on what day the imperial commissaries should appear again, in order to take a new oath to him,

since he was required to leave the Church of S. Euphemia and return to the capital. Vigilius declared anew, he only wished that the Emperor would restore peace to the Church, for the sake of which he had, seven years ago, come to Constantinople. As, however, Peter had no sufficient authority, he had wished that the Emperor would give adequate security on oath, through two high officials, so that Dacius and some others might personally go to the Emperor, and by commission of the Pope make arrangements with regard to the affairs of the Church.[1] So far goes the Encyclical of the Pope, dated February 5, 552.

What immediately followed upon this is not reported in the original document. We may suppose, however, that, by the negotiations of Dacius and the others, the matter took this turn, that Mennas, Ascidas, and their friends should present a confession of faith to the Pope that should be satisfactory to him, and that the Synod, long resolved upon, should finally be held for the settlement of the controversy. What is certain is, that now Mennas, Theodore Ascidas, Andrew of Ephesus, Theodore of Antioch in Pisidia, Peter of Tarsus, and many other Greek bishops, presented a confession of faith to the Pope, who was still in the Church of S. Euphemia; and that Vigilius was satisfied with it, and afterwards received it into his *Constitutum*, so that by that means we still possess it.

They declared in this that they desired the unity of the Church, and therefore had set forth this document, to the effect that they, before everything, held fast inviolably to the four holy Synods of Nicæa, Constantinople, Ephesus, and Chalcedon, as well to their decrees on the faith as to their other ordinances, without adding or subtracting anything; and that they would never do, or allow anything to be done, to the blame, or to the alteration, or to the reproach of these Synods under any pretext whatever; but, on the contrary, would accept everything which, by general decree, in agreement with the legates and of the apostolic see, had then been pronounced. In like manner, they were ready to give a complete assent to the letters of Leo, and to anathematise

[1] Mansi, t. ix. p. 50 sqq.; Hardouin, t. iii. p. 3 sqq.

everyone who acted against them. As regarded, however, the matter now coming in question respecting the three chapters, none of them had prepared a statement on this subject in opposition to the agreement between the Emperor and the Pope (A.D. 550, sec. 262B); and they were agreed that all writings should be given over to the Pope (*i.e.* should first be put out of operation—until the decision of a Council). As for the injuries which the Pope had experienced, they were not in fault, yet they would ask forgiveness as though they had themselves committed them. So, too, they would ask forgiveness for having, during the time of division, held communion with those whom the Pope had excommunicated.[1]

SEC. 266. *Vigilius gives and recalls his Assent to the holding of an Œcumenical Synod.*

Soon afterwards Mennas died, in August 552, and a short time before also Dacius of Milan;[2] but Eutychius received the see of Constantinople, and soon after his entrance upon office also sent a confession of faith to the Pope, on the Feast of the Theophany, *i.e.* January 6, 552. And he affirms, before everything, his love for unity in the faith, through which God's grace was obtained, then speaks of his loyal adhesion to the four holy Synods, and declares that he will thoroughly agree with the letters which the Roman bishops, particularly Leo, wrote on the true faith. As regards the three chapters, however, which come into question, a common consultation must be held, and a final decision arrived at in accordance with the four holy Synods.

Along with Eutychius there subscribed at the same time Apollinaris of Alexandria (sec. 264), Domnus or Domninus of Antioch, and Elias of Thessalonica. Besides these, all those bishops who had not subscribed the former confession

[1] Mansi, t. ix. p. 62 sq.; Hardouin, t. iii. p. 10 sq.

[2] Dacius died not on January 14, 553, as Noris (t. i. p. 633) thought, but between February and June of 552, as the Ballerini showed (Norisii *Opp.* t. iv. p. 857). Cf. Pagi, *ad ann.* 552, n. 18 and 25; Walch, *l.c.* S. 214. Victor of Tununum is quite mistaken in stating that Dacius, in the year 554, subscribed the anathema on the three chapters, and died on the same day (Galland. t. xii. p. 231).

of faith of Mennas and Ascidas, expressed their agreement, but without any special giving of names.[1] Vigilius replied, January 8, 553, in several letters, all to the same effect, addressed to Eutychius, Apollinaris, etc. "He rejoices," he says, "in a high degree at the end of the separation. He has received the letter of Eutychius, which he subscribed with joy (he inserts his letter verbally in his own), and also he will remain inviolably faithful to the true faith therein confessed. Finally," he says, "he is thoroughly in accord with this, that a general consultation, under his presidency, *servata æquitate*, on the subject of the three chapters, should be held, and that by a common decision, in accordance with the four holy Synods, all division should be taken away."[2]

A letter of convocation referring to this Synod is no longer extant; we learn, however, from a somewhat later edict of the Emperor, that he summoned the assembly.[3] From the same document and from the *Constitutum* of Vigilius[4] we learn further, that the latter, after Mennas, Ascidas, Eutychius, and others had sent him the declarations of faith, and the Emperor had demanded from all the bishops the sending of the same kind of confessions, wished that they should hold the Synod that had been agreed upon in Italy or Sicily, at which numerous bishops might be present from Africa and other parts of the West, where hesitation was felt

[1] This letter of Eutychius, from Constantinople, to Vigilius is found in Latin in the *Constitutum* of the latter (Mansi, t. ix. p. 63; Hardouin, t. iii. p. 11); and in Greek in a Parisian MS. among the Acts of the first session of the fifth Œcumenical Synod (Mansi, *l.c.* p. 186; Hardouin, *l.c.* p. 59), and partially among the Acts of the fifth session at Florence (Mansi, t. ix. p. 402). Remarks on this letter are made by Garnier, *Diss. de V. Synodo*, in Schulze's edition of the works of Theodoret of Cyrus, t. v. p. 545.

[2] This letter of Vigilius is found in Greek and Latin in a Parisian Codex, printed in Mansi, t. ix. p. 187; Hardouin, t. iii. p. 62. In the expression, *servata æquitate*, some would discover that Vigilius had already required that an equal number of Latins and Greeks should be present at the Synod. But the expression may also have a general sense, such as is contained in the Greek official version of the papal letter in the corresponding expression, *καὶ τοῦ δικαίου φυλαττομένου*. Cf. Garnier, *l.c.* p. 546.

[3] "Ideo vos vocavimus ad regiam urbem," in Mansi, t. ix. p. 181; Hardouin, t. iii. p. 56.

[4] Mansi, t. ix. p. 61 sqq.; Hardouin, t. iii. p. 10 sqq.

as to the rejection of the three chapters. The Emperor, however, did not agree to this, but made the proposal to summon to Constantinople those bishops whom the Pope wished to consult.[1] Probably the Emperor speedily gave up this plan, because he might fear that, by bringing in these Africans, etc., a great opposition to his plans might be occasioned. In short, the Africans and others did not come; but Vigilius was still unwilling to take part in a Synod where, besides himself and a few other Latins, merely Greeks were to be present. In order to make a compromise, the Emperor made the proposal, soon before Easter, either to summon a tribunal for decision, or to hold a smaller assembly, to which from all parts an equal number of bishops might be got together.[2] Vigilius understood this to mean that, of all the many Greek bishops who were present, only as many as he had Latins around him should be chosen to the conference; but the Emperor meant that from each patriarchate there should be a like number of bishops chosen, and so, as many from Constantinople as from the West, and again, as many from Alexandria, etc.

Taking the matter in his sense, the Pope prepared to bring only three bishops from his side with him, and so from the Greek side there should be only four persons selected, the three patriarchs and one other bishop besides. But the Emperor demanded that each Greek patriarch might bring three to five bishops with him.[3] As the Pope would not agree to this, and on the other side the Emperor and the Greek bishops rejected the Pope's proposal,[4] Vigilius paid no regard to the repeated request that he would, without further delay, appear at the Synod, but declared that his intention was to express his judgment in writing and for himself;[5] and the Synod was therefore opened without his presence, in order to advance the *via facti*, and by the *fait accompli* to make the Pope compliant.

[1] Mansi, t. ix. p. 64; Hardouin, t. iii. p. 12.
[2] Mansi, *l.c.* pp. 64 and 182; Hardouin, *l.c.* pp. 12 and 57.
[3] Mansi and Hardouin, *ll.cc.*
[4] Mansi, *l.c.* pp. 65 and 182; Hardouin, *l.c.* pp. 13 and 57.
[5] Cf. the sentence of the Synod, in Mansi, *l.c.* p. 370; Hardouin, *l.c.* p. 189

CHAPTER II.

THE TRANSACTIONS OF THE FIFTH ŒCUMENICAL SYNOD.

SEC. 267. *The first Session and the Acts of the Synod.*

IN accordance with the imperial command, but without the assent of the Pope, the Synod was opened on the 5th of May 553, in the Secretarium of the Bishop's Church at Constantinople.[1] Among those present were the Patriarchs Eutychius of Constantinople, who presided,[2] Apollinaris of Alexandria, Domninus of Antioch, three bishops as representatives of the Patriarch Eustochius of Jerusalem, and 145 other metropolitans and bishops, of whom many came also in the place of absent colleagues. At the close of the Synod 164 members signed. At the first session six Africans came up, at the last eight, among them Bishop Sextilian of Tunis as representative of Archbishop Primosus (Primasius, sec. 362B) of Carthage.[3]

The Greek Acts of our Synod have been lost; but we still possess a Latin translation of them, which was probably

[1] The two codices of Paris and Beauvais agree in giving *iii nonas Maias* as the day of the opening of this Synod; that of Surius, on the contrary, had *iv nonas Maias* = May 4. That the latter is incorrect, is clear from the statement of the synodal deputies who were sent to the Pope at the first session. They came to him for the first time on the 5th of May. He appointed them for the next day, and they relate in the second session that they received an answer from him on the 6th of May (Mansi, t. ix. p. 194; Hardouin, t. iii. p. 65). The 5th of May is also supported by the circumstance that it fell upon a Monday in the year 553, and Synods were generally opened on a Monday. Cf. Ballerini in their edition of the works of Cardinal Noris, t. iv. p. 960.

[2] On the presidency at the fifth Synod, cf. vol. i. p. 31, and Natalis Alexander, *Hist. Eccl.* sec. vi. t. v. p. 436, ed. Venet. 1778.

[3] The order in which the bishops are entered in the minutes of the first session is different to some extent from that of their own signatures at the last session. Cf. Garnerii *Diss. de V. Synodo*, in Schulze's edition of the works of Theodoret, t. v. pp. 543 sq. and 569 sq.

prepared at the time of the Synod for the use of Pope Vigilius, and can be shown to have been used by one of his nearest successors, Pelagius II. (578–590).[1] The questions whether these Acts are genuine, gave occasion to an extensive inquiry at the sixth Œcumenical Council in the year 680. At its third session the Acts of the fifth were read from a manuscript which was divided into two books; and in the first book the so-called preliminary Acts seem to be contained, and in the second the minutes proper of the sessions with appendices. When from the first book a supposed letter of Mennas to Pope Vigilius on the unity of the will in Christ (in the sense of Monothelitism) began to be read, the papal legates protested, and declared this document spurious. It was immediately shown, in fact, that it was written by another hand than the other pieces in the first book, and upon leaves which had been added afterwards, and were not paged like the others. The Emperor Constantine Pogonatus therefore would not allow this document to be read further at the sixth Synod;[2] and in the course of time it has completely disappeared; it is not now extant.

The second book of the Acts of the fifth Council was then read, and when they came to those two letters which Vigilius was said to have written to the Emperor Justinian and to his consort (with the expression *unam operationem*, sec. 259), the papal legates also protested against the genuineness of these two documents,[3] and an examination was instituted, the result of which we find in the minutes of the fourteenth session. So far there were used, at the sixth Synod, two manuscript collections of the Acts of the fifth Council, taken from the archives of the patriarchate of Constantinople: (1) a parchment codex, divided into two books, which, in its first book, contained, as we have remarked, that spurious letter of Mennas; (2) a paper codex which contained only the Acts of the seventh session. On further examination, the Dean

[1] Cf. the *Præfatio Baluzii*, in Mansi, t. ix. p. 164.

[2] Mansi, t. xi. p. 226; Hardouin, t. iii. p. 1067. At the twelfth session of the sixth Œcumenical Council also, the spuriousness of this *Epistola Mennæ* was recognised. Cf. Mansi, *l.c.* p. 527; Hardouin, *l.c.* p. 1311.

[3] Mansi, t. xi. p. 226 sq.; Hardouin, t. iii. p. 1070. In the twelfth session this protest was also discussed. Mansi, *l.c.* p. 527 sq.; Hardouin, *l.c.* p. 1311.

and Chartophylax George found in the archiepiscopal archives of Constantinople, besides, (3) a third codex, also written on paper, and containing the Acts of the whole of the fifth Synod. He declared on oath that, in these old books, neither by him nor, with his consent, by anyone else, had any alteration whatever been made; and he was now commissioned by the sixth Synod to compare these three codices with one another, and with other old paper manuscripts of the earlier Council (where these were found we are not told). It was then discovered (*a*) that the latter and the codex No. 3 did not contain those letters of Mennas and Vigilius; (*b*) that in the first book of the parchment codex No. 1, three quaterns (sheets of four leaves each) had been added by a later hand, and that in these the letter of Mennas was found (besides that, probably other documents); (*c*) that in the second book of that parchment codex, in the section relating to the seventh session, between the original fifteenth and sixteenth sheets, a sheet had been at a later period inserted, not paged, and containing the two supposititious letters of Vigilius; and that (*d*) the paper codex No. 2 had been falsified in the same manner. The Council therefore decided to cancel the three documents thus shown to be spurious in MSS. No. 1 and No. 2, to mark them respectively with an obelus, and anathematise them.[1]

By another way we arrive at the same result, that these three pieces were not found in the oldest collections of the Acts of the fifth Council. In the fourteenth session of the sixth Œcumenical Synod the following is related by Constantine, a presbyter of Constantinople and a Latin grammarian (*Grammaticus Latinus*). Not long before (about thirty years), Paul, then patriarch of Constantinople, had visited the archives, and had there discovered a codex which contained a Latin translation of the Acts of the fifth Œcumenical Council. At the command of the patriarch he, the *Grammaticus*, had compared this codex with the Greek, and had found that the two letters of Vigilius were lacking in it. At the express command of the patriarch he had translated them from the Greek, and added them to the Latin codex.[2] Accordingly the two

[1] Mansi, t. ix. p. 587 sqq.; Hardouin, t. iii. p. 1359 sqq.

[2] Mansi, t. xi. p. 594 sq.; Hardouin, t. iii. p. 1363 sq.

letters were not in the old Latin codex, but only in a Greek translation of the Latin original. That Latin codex, however, which the Patriarch Paul found about the year 650, was certainly nothing but a copy of the original Latin translation, which, if we are not mistaken, was made for Vigilius. Such a Latin codex, either the original codex of Vigilius itself or a copy, the papal legates had naturally brought from Rome with them, and as the letter of Mennas and the two letters of Vigilius were lacking in it, they made their protest both on this formal ground, and on account of the Monothelite tendency of the contents of these two documents. There are two alternatives possible: Either these documents are entirely spurious, and had no existence at the time of the fifth Synod, but were fabricated at a later period by a Monothelite, and are therefore to be removed from the collection of the Acts;[1] or they are —at least the two letters of Vigilius (the lost one of Mennas was, without doubt, quite spurious)—for the most part genuine, and they were certainly read in the seventh session of our Council, but they had not yet the addition *unam operationem*, and this must have been interpolated by a Monothelite.

Baluze declared for the latter theory in his fine *Præfatio in acta Concilii V.*;[2] and even Baronius (*ad ann.* 680, n. 47) anticipated him here. Moreover, it must not be overlooked that the two letters of Vigilius in question, apart from the phrase *unam operationem*, entirely fit that time of Vigilius, and certainly have witnesses for their genuineness in the Emperor Justinian, in his minister Constantine, and in Facundus of Hermione, since all three declare that Vigilius at that time (before his *Judicatum*) had privately promised the Emperor, in writing, an anathema on the three chapters (sec. 259). That these two letters are wanting in the oldest collections of the Acts of the fifth Council in no way proves their entire spuriousness, for the collections of conciliar Acts have always been very different in completeness, and in

[1] This is the view of the Ballerini in their edition of the works of Cardinal Noris, t. iv. p. 1038.

[2] Mansi, t. ix. p. 163 sqq. Walch agreed with him, *Ketzerhist.* Bd. viii. S. 80.

many there were wanting documents of uncontested genuineness.

The first who printed the Acts of the fifth Œcumenical Synod, now extant only in Latin, was Surius, in the year 1567.[1] He had at command only one old manuscript. The Roman editors restricted themselves to reprinting his text, as they had no manuscript at hand. Labbé was, on the contrary, fortunate enough to be able to compare a second manuscript, *Codex Parisiensis*, belonging to Joly, precentor of Paris; but he did not make his work sufficiently thorough. Baluze was the first to make full use of the Paris codex, and found in it a series of the most important variations from the text of Surius. He was able, besides, to compare a *Codex Bellovacensis*, which Hermant, the learned canon of Beauvais, had lent him, and which almost entirely harmonised with the text of Surius. Thus equipped, Baluze brought out a much better edition of the Acts of the fifth Council, accompanied with critical notes, and introduced by a very interesting Præfatio.[2] We find his work also completely copied in Mansi (t. ix. p. 163 sqq.), whilst Hardouin has made only partial use of it.[3]

Besides the genuineness of our Acts, their completeness has also become subject of discussion. This is connected with the question whether the fifth Œcumenical Synod was merely occupied with the controversy on the three chapters, or also held several sessions on Origen and his adherents. The most important defender of the latter view was Cardinal Noris,[4] who maintained that, before the eight sessions, the Acts of which have come to us, there were one or several other sessions for the purpose of examining and censuring Origen, but that their Acts are entirely lost. So also, that the Synod, after settling the matter of the three chapters, occupied themselves further with Origenism, and anathematised two Origenists long dead, Didymus the Blind and the deacon

[1] Only a few documents in Greek are now extant. We shall indicate them particularly further on.

[2] In his *Supplementum Conciliorum*, p. 1475 sqq.

[3] Cf. Hardouin, t. iii. p. 51, and t. i. *Præf.* p. viii.

[4] Noris, *Diss. de Synodo V.* c. 6, in the edition of his works by the Ballerini, t. i. p. 638 sqq.

Evagrius Ponticus († 399). That the first part of this hypothesis, namely, that the eight sessions, whose Acts we have, and which were occupied only with the matter of the three chapters, were preceded by others, is not tenable, was seen by the Ballerini, in their defence of Noris's dissertation against the Jesuit Garnier.[1] As we related above, the Acts of our Council were examined at the sixth Œcumenical Synod, particularly a codex which contained only the seventh session, and it was there shown that what is now called the seventh session was originally marked by the same number. We cannot, therefore, assume that one or more sessions were held before those of which we possess the Acts. This decided the Ballerini to alter the hypothesis of Cardinal Noris to this extent, that it was not until *after* the eight sessions on the three chapters that some further sessions were held on account of Origen, Didymus, and Evagrius, Our Acts, they thought, were thus incomplete, as, moreover, is clear, since the usual acclamations in honour of the Emperor, etc., are wanting.[2]

A direct proof from antiquity, that the Acts of the fifth Synod had once been more complete, Noris and the Ballerini could, therefore, not discover; but they thought that they were justified in such an assumption, or even forced to it, by inferences from passages in the Fathers.

(*a*) The priest Cyril of Scythopolis, who was a contemporary of the fifth Council, a disciple of S. Sabas, and one who, as a member of the great Laura in Palestine, took part in the Origenist controversy of that time, says, in his biography of S. Sabas, c. 90, quite expressly: "When the holy and Œcumenical fifth Synod was assembled in Constantinople, they smote with common and catholic anathema Origen and Theodore of Mopsuestia, and also what Evagrius and Didymus had taught on pre-existence and restitution.[3]

(*b*) Of almost equal antiquity with the priest Cyril was

[1] Cf. the edition by the Ballerini of the works of Cardinal Noris, t. iv. p. 1014 sq.

[2] Ballerini, *l.c.* p. 1019.

[3] Cyrilli *Vita Sabæ*, c. 90, in Coteler. *Eccles. Græcæ Monumenta*, t. iii. p. 374.

the ecclesiastical historian Evagrius, at the time when our Synod was held, a youth of about fifteen years. He also writes, in his *Church History* (lib. iv. c. 38), that the fifth Œcumenical Synod, after the Palestrinian monks Eulogius, Conon, etc., had presented a memorial against Origen (after the anathematising of the three chapters), had also pronounced a condemnation on Origen and his adherents, particularly on the blasphemies of Didymus and Evagrius.

(*c*) The third witness whom Noris and the Ballerini adduce is the Lateran Synod of 649, at which (c. 18), and in an utterance of Bishop Maximus of Aquileia, Origen, Didymus, and Evagrius are mentioned among those anathematised by the first five Synods.[1] Since, then, no decree was drawn up against these three men by the first four Councils; this must have been done by the fifth Œcumenical Synod.

(*d*) The sixth Œcumenical Council, too (A.D. 680), declares, in its seventeenth and eighteenth sessions, that the fifth Synod was assembled on account of Theodore of Mopsuestia, Origen, Didymus, and Evagrius.[2]

(*e*) To the same effect the seventh Œcumenical Synod expresses itself in its seventeenth session (Hardouin, t. iv. p. 454), not to mention other less important witnesses. From all these utterances Noris and the Ballerini are led to the supposition, that, besides the eight sessions of the fifth Council, of which we possess the Acts, others must have been held on account of Origen, etc.

The contentions of Cardinal Noris on this subject were opposed by the Jesuit Garnier in his dissertation contributed to the *Breviarium* of Liberatus, *De quinta Synodo*, c. 2, and particularly c. 5.[3] In the re-editing of this treatise in the *Actuarium* of his edition of the works of Theodoret, he left out the greater part of this (the old fifth chapter); but he retained the principal portion, maintaining that Origen, Didymus, and Evagrius were not anathematised at the fifth Synod.[4]

[1] Hardouin, t. iii. pp. 924 and 707; Mansi, t. x. pp. 887 and 1158.
[2] Mansi, t. xi. pp. 631 and 710; Hardouin, t. iii. pp. 1395 and 1455.
[3] Reprinted in Galland. t. xii. pp. 169 and 175 sqq.
[4] Reprinted in Bd. v. of Schulze's edition of the works of Theodoret, p. 527.

It is not to be denied that the argument of Cardinal Noris and the Ballerini has much to recommend it, and that their witnesses are of importance; nevertheless, we are unable to agree with them, and can go no further than to say that certainly the fifth Synod anathematised Origen, but not in a special session, and not in consequence of special transactions, but only *transcundo* and *in cumulo*, since, in their eleventh anathematism, among a number of older heretics, they brought forward his name (see below). The names of Evagrius and Didymus we do not find in the Acts of our Synod at all. The reasons which we oppose to Noris and the Ballerini are the following:—

(*a*) That only half of the Acts of the fifth Œcumenical Council have come to us is hinted at by none of the ancients, and yet this is the main assumption of Cardinal Noris, etc.

(*b*) In the imperial edicts which called our Council into being, and prescribed the direction of its activity, there is nowhere any reference to Origen, but only the τρία κεφαλαία are always indicated as the subject with which the Synod has to deal.

(*c*) To the same effect Pope Vigilius, in the two edicts in which he confirmed the fifth Synod several months after its close, speaks only of the three chapters, and not in the least of Origen, Didymus, and Evagrius, as little as of the other old heretics who are brought forward in the eleventh anathematism of the Synod.

(*d*) The inferences that the close of our Acts is wanting, because no acclamations are contained in them, and that only that part of the minutes was translated into Latin for Vigilius which dealt with the three chapters, because only this interested him, and not the part concerning Origen, are two quite arbitrary assumptions of the Ballerini (*l.c.* p. 1019) which have nothing to support them.

(*e*) In subscribing the minutes of the eighth session, the Patriarch Eutychius recapitulated in brief all that had been decreed without giving one syllable of a reference to Origen, from which (in spite of Noris) it is clear that, at least up to this time, no special transaction had taken place at our

Synod on account of Origen. If, however, he was named only *transeundo* in the eleventh anathematism, Eutychius had no more reason to refer to him than to the other old heretics there brought forward.

(*f*) Pope Gregory the Great says: "The Synod which dealt with the three chapters anathematised only one single person, namely, Theodore of Mopsuestia."[1] This he could not have said, if the Roman copy of the synodal Acts had contained a special sentence against Origen. Only in the eleventh anathematism the Roman copy of the synodal Acts also contains the name of Origen along with those of other old heretics;[2] and Gregory names these here as little as Origen, because the anathema on them did not belong to the special business of the fifth Council.

(*g*) We have already remarked that the Church historian Evagrius, one of the chief witnesses of Cardinal Noris, confounded the fifth Synod with the one held somewhat earlier (A.D. 543) under Mennas, which did anathematise Origen and drew up fifteen propositions against him.

(*h*) With Cyril of Scythopolis, however, we may perhaps suppose a slight error. Victor of Tununum says, *ad ann.* 565 (Galland. t. xii. p. 231), that the Emperor Justinian, in this year, exiled Eutychius, patriarch of Constantinople, the *damnator trium capitulorum, et Evagrii eremitæ diaconi ac Didymi monachi.* This points to the fact that the Patriarch Eutychius, after the holding of our Synod at which he presided, published an edict in his diocese, and therein made known the decrees of the fifth Council, at the same time pronounced anathema on Evagrius and Didymus, and also on

[1] Gregor. M. lib. ii. Epist. 51, *Opp.* t. ii. p. 615 (*alias* lib. ii. Epist. 36, in Mansi, t. ix. p. 1105): "In Synodo, in qua de tribus capitulis actum est, aperte liqueat, nihil de fide convulsum esse vel aliquatenus immutatum, sed sicut scitis, de quibus dam illic sollummodo personis est actitatum, quarum una, cujus scripta evidenter a rectitudine catholicæ fidei deviabant, non injuste damnata sunt."

[2] That the copy of the Acts of our Synod extant in the Roman archives had the name of Origen in the eleventh anathematism, we learn from the Lateran Synod of A.D. 649, where this anathematism was read from the Roman copy, as follows: "Si quis non anathematisat Arium, Eunomium, Macedonium, Apollinarem, Nestorium, Eutychen, Origenem, cum impiis eorum scriptis," etc.

Origen (perhaps renewed the decrees of the Synod under Mennas). If this was so, then Cyril, living as a hermit in the remote Laura, might easily confound the edict of Eutychius following the fifth Synod with this, and so arrive at his conclusion respecting Origen. If, however, the statement was once circulated by him and Evagrius, that the fifth Council had also anathematised Origen and the others, this might have been repeated by a hundred others *bonâ fide*. So, too, at the sixth Œcumenical Council, in their copy of the Acts of our Synod, amplified as we know, a passage may have been found on Origen, Diodorus, and Evagrius. It is quite true that here a critical examination of the copies was ordered; but this extended, as far as we can see from the text of the fourteenth session of the sixth Council, only to the supposed letter of Mennas and the two letters of Pope Vigilius; for a comparison and examination, extending to all particulars, there seemed no great need, nor had they sufficient time.[1]

After the 151 bishops had taken their places at the opening of our Synod, the imperial Silentiarius Theodore begged for admission, and presented a letter from the Emperor, dated on the same day (May 5), addressed to the Synod. This letter was immediately read by the deacon and notary Stephen, and ran as follows: "The effort of my predecessors, the orthodox Emperors, ever aimed at the settling of controversies which had arisen respecting the faith by the calling of Synods. For this cause Constantine assembled 318 Fathers at Nicæa, Theodosius 150 at Constantinople, Theodosius the younger the Synod of Ephesus, the Emperor Marcian the bishops at Chalcedon. As, however, after Marcian's death, controversies respecting the Synod of Chal-

[1] An eager denial has recently been given to the statement that Origen was, in a general way, anathematised at the fifth Synod, by Alois Vincenzi, Prof. in Archigymnasio litterarum hebraicarum in Rome, in his work, *In sancti Gregorii Nysseni et Origenis scripta et doctrinam nova defensio*, 4 vols., Rome 1865; 5th vol. *ibid.* 1869 (t. iv. cc. 9 and 10, and t. v. App. ii. *aa*, c. 5). He endeavours, in a very thorough manner, to transform the whole history of the fifth Œcumenical Council, and has declared everything false and untrue which speaks against Origen and against Pope Vigilius. Cf. Tübingen *Theol. Quartalschr.* 1867, S. 345 ff.

cedon had broken out in several places, the Emperor Leo wrote to all bishops of all places, in order that everyone might declare his opinion in writing with regard to this holy Council. Soon afterwards, however, had arisen again the adherents of Nestorius and Eutyches, and caused great divisions, so that many Churches had broken off communion with one another. When, now, the grace of God raised us to the throne, we regarded it as our chief business to unite the Churches again, and to bring the Synod of Chalcedon, together with the three earlier, to universal acceptance. We have won many who previously opposed that Synod; others, who persevered in their opposition, we banished, and so restored the unity of the Church again. But the Nestorians want to impose their heresy upon the Church; and, as they could not use Nestorius for that purpose, they made haste to introduce their errors through Theodore of Mopsuestia, the teacher of Nestorius, who taught still more grievous blasphemies than his. He maintained, *e.g.*, that God the Word was one, and Christ another. For the same purpose they made use of those impious writings of Theodoret which were directed against the first Synod of Ephesus, against Cyril and his twelve chapters, and also the shameful letter which Ibas is said to have written. They maintain that this letter was accepted by the Synod of Chalcedon, so would free from condemnation Nestorius and Theodore who were commended in the letter. If they were to succeed, the Logos could no longer be said to be 'made man,' nor Mary called the 'God-bearer.' We therefore, following the holy Fathers, have first asked you in writing to give your judgment on the three impious chapters named, and you have answered, and have joyfully confessed the true faith.[1] Because, however, after the condemnation proceeding from you, there are still some who defend the three chapters, therefore we have summoned you to the capital, that you may here, in common assembly, place again your view in the light of day. When, for example, Vigilius, Pope of Old Rome, came hither, he, in answer to our questions, repeatedly anathematised in writing

[1] Garnier (*l.c.* p. 544) remarks on this that many had been compelled. Cf. above, sec. 258, and notes there.

the three chapters, and confirmed his steadfastness in this view by much, even by the condemnation of his deacons, Rusticus and Sebastian.[1] We possess still his declarations in his own hand. Then he issued his *Judicatum*, in which he anathematised the three chapters, with the words, *Et quoniam*, etc. (sec. 259). You know that he not only deposed Rusticus and Sebastian because they defended the three chapters, but also wrote to Valentinian, bishop of Scythia, and Aurelian, bishop of Arles, that nothing might be undertaken against the *Judicatum*. When you afterwards came hither at my invitation, letters were exchanged between you and Vigilius[2] in order to a common assembly. But now he had altered his view, would no longer have a Synod, but required that only the three patriarchs and one other bishop (in communion with the Pope and the three bishops about him) should decide the matter. In vain we sent several commands to him to take part in the Synod. He rejected also our two proposals, either to call a tribunal for decision, or to hold a smaller assembly, at which, besides him and his three bishops, every other patriarch should have place and voice, with from three to five bishops of his diocese.[3] We further declare that we hold fast to the decrees of the four Councils, and in every way follow the holy Fathers, Athanasius, Hilary, Basil, Gregory the Theologian, Gregory of Nyssa, Ambrose, Theophilus, John (Chrysostom) of Constantinople, Cyril, Augustine, Proclus, Leo, and their writings on the true faith. As, however, the heretics are resolved to defend Theodore of Mopsuestia and Nestorius with their impieties, and maintain that that letter (of Ibas) was received by the Synod of Chalcedon, so do we exhort you to direct your attention to the impious writings of Theodore, and

[1] Up to this point the Paris codex does not vary from the text of Surius. But from this point there is a considerable difference for a large space. The Paris codex is here more complete, and the text of Surius (and the codex of Beauvais) certainly only an abridgment. We follow the Paris codex, but allow ourselves, in the translation of the broad imperial letter, several abridgments and contractions.

[2] He meant by this, as we subsequently learn, the letters of Eutychius, etc., to the Pope (see sec. 266).

[3] From this point onwards the codices again agree.

especially to his Jewish Creed[1] which was condemned at Ephesus and Chalcedon. You will thence see that he and his heresies have since been condemned, and that therefore his name has long since been struck from the diptychs of the Church of Mopsuestia. Consider the absurd assertion that no one who has died is to be anathematised; consider further the writing of Theodoret and the supposed letter of Ibas, in which the incarnation of the Word is denied, the expression 'Godbearer' and the holy Synod of Ephesus rejected, Cyril called a heretic, and Theodore and Nestorius defended and praised. And, as they say that the Council of Chalcedon has received this letter, you must compare the declarations of this Council relating to the faith with the contents of the impious letter. Finally, we entreat you to accelerate the matter, and commend you, holy fathers, to the divine protection."[2]

After the reading of the imperial letter, the Silentiarius was required to withdraw; and the Synod gave orders that, as the Emperor spoke of a correspondence with Vigilius, the documents connected with it should be communicated. The notary Stephen then read the letter of Eutychius of Con-

[1] Cf. above, sec. 140 in vol. iii. As at Chalcedon the Acts of the third Synod were read again, and (Sess. i.) among them the censure of that creed, the Emperor could say that the Council of Chalcedon had also condemned it. We think it necessary to remark this, in opposition to Garnier (*l.c.* p. 544). On the creed of Theodore, cf. Walch, *Ketzerhist.* Bd. v. S. 354 and 887. It is reprinted in Mansi, t. iv. p. 1347, and t. ix. p. 227; Hardouin, t. i. p. 1515, and t. iii. p. 89.

[2] Mansi, t. ix. p. 178 sqq.; Hardouin, t. iii. p. 54 sqq. A criticism of this imperial letter is given by Garnier (*l.c.* p. 544), who imputes to it several errors. In the Acts of our Synod this letter is extant only in an old Latin translation. There still exists, however, the Greek text of a similar edict, printed in Mansi, *l.c.* p. 582; Hardouin, *l.c.* p. 322. At the beginning, both texts, the Greek and the Latin, are of the same purport. Further on the Greek has a long passage from Cyril, which certainly was not originally there (cf. Garnier, *l.c.* p. 537); further on, the Greek text leaves out much which is found in the Latin. At the end the Greek text gives an extract from the decree of the fifth Synod on the three chapters (Sess. viii.); particularly is the close of the synodal decree given almost verbally, even with reference to the passage of Scripture, Isa. l. (cf. Mansi, *l.c.* p. 587 with p. 376; and Hardouin, *l.c.* p. 326 sq. with p. 193). Garnier (*l.c.* p. 537) thought that this Greek letter of the Emperor and the decree of a Synod appended to it belonged, not to the Acts of the fifth Council, but to an earlier Synod held by Mennas, A.D. 546—an invention of Mennas. Cf. sec. 258.

stantinople to Vigilius, and then the answer of the Pope, from both of which documents we have given extracts above[1] (sec. 266). The Acts add correctly that Apollinaris of Alexandria and Domninus of Antioch, together with their suffragans who were present in the residence, had addressed quite the same letters to the Pope as Eutychius, and had received the same answer. The bishops then declared that although several of them and the imperial officials[2] had already frequently exhorted Vigilius to enter into common consultation with them, yet it was reasonable to do this once more; and thereupon, whilst the rest remained assembled, there went a highly distinguished and numerous deputation, among them the three Oriental patriarchs, to the Pope, to invite him to take part in the Synod. They returned with the intelligence that Vigilius had stated that, on account of being unwell, he was unable to give them an immediate answer, and he requested the deputies to come again next day in order to receive his answer. In expectation of this they closed the first session.

Sec. 268. *Second and Third Sessions on the 8th and 9th of May.*

On the 8th of May 553, the same bishops came together again in the same place,[3] and on request the deputies sent in the first session to Vigilius gave an account of their second visit to the Pope. "As the Pope of Old Rome," they said, "appointed the next day for us, so we betook ourselves again to him on the 6th of May, two days ago, reminded him of the letters already exchanged between us and him, and requested him, in accordance with his promise, now to declare whether he would take council in common with us on the

[1] These two letters are extant both in Greek and in Latin.

[2] *Judices*, a title of high office. Du Cange (*Glossar.* t. iii. p. 1570) says: "*Judices* interdum iidem, qui *Comites, Magnates, Proceres* vel *Senatores*." Cf. above, sec. 188, note 1.

[3] The codex of Beauvais again mentions all the bishops by name. The same seems to have been the case with the codex of Surius. But Surius himself shortened it with *et cæteris*. The Paris codex, finally, mentions by name only the first ten bishops.

subject of the three chapters. He refused to take part in the Synod, with the remark, that the number of Orientals was so great, and that he had only a few bishops with him; so that he had begged the Emperor to allow more bishops to come from Italy. We replied that neither by us nor by the Emperor had the promise been given to await the arrival of the Western bishops; whilst Vigilius had promised in writing to meet with us, and it was not right for him to distinguish so abruptly between Western and Eastern, as they both held the same faith, and that in the case of the first four Œcumenical Synods not many Westerns had been present. And besides, there were, in fact, a good many Western bishops from Africa and Illyria present at Constantinople. He replied, we will come together in equal numbers, I will take three bishops with me; from the other side, let the three patriarchs come with one other bishop, so that there may be four on each side. We made the counter proposal, that at least each patriarch should bring with him the same number of bishops as the Pope, and added that it was, moreover, unbecoming, that out of so many bishops who were here, the matter should be decided by so few. As he persevered in his refusal, we added, that, as the Emperor had commanded us, as well as him, to deliver an opinion on the three chapters, we, on our part, should assemble without him and express our view. He then declared: I have asked the Emperor for a delay of twenty days, within which time I will answer his written question. If I have not by that time expressed my opinion, then I will accept all that you decree on the three chapters. We replied: In the correspondence between us and you there was nothing said of a separate, but of a common declaration on the three chapters. If your Holiness only wishes for delay, it is to be considered that the matter has already lasted seven years, since your Holiness came into this city. Moreover, you are perfectly informed on the subject, and have already frequently anathematised the three chapters, both in writing and orally. Vigilius refused to give any further answer. We, however, persevered in the request that he would come with us, and immediately gave the Emperor information of our conference with Vigilius. He promised

to send some State officials (*judices*) and bishops to him, in order to admonish him anew."[1]

Diodorus, the Archdeacon and Primicerius of the Notaries, now declared that yesterday, May 7, the Emperor had actually sent several State officials, together with a number of bishops, to the Pope, and the former were ready to give a report concerning their mission. They related: "At the command of the Emperor, we had recourse to Pope Vigilius on the 1st of May in the company of Belisarius and others, and again on the 7th of May in company with Theodore, bishop of Cæsarea, and others, and presented to him both times the same command of the Emperor, that he would either negotiate with all the bishops in common, or, if he did not like this, that he would first with the patriarchs and some other bishops consider the question of the three chapters, so that the judgment of this commission might then be received by the other bishops. He refused, however, both the consultation with all and that with the patriarchs, and demanded delay, in order that he might give his answer alone. We told him that he had already frequently anathematised the three chapters alone, both in writing and orally, but that the Emperor desired a common sentence upon them. Vigilius, too, had already himself communicated to the Emperor his wish for a delay; and had received for answer, that, if he were really ready for a common consultation with the bishops or patriarchs, then he should receive a still longer delay. As, however, he was now visibly trying to put the matter off, it was necessary that the other bishops should give their judgment in a Synod. . . . We presented this to him, and besought him repeatedly to take part in the Synod. But he persisted in his refusal."[2] This report of the imperial officials was confirmed by the bishops who went with them to Vigilius. The former now withdrew again from the session with the words: "The bishops, having the fear of God before their eyes, should make a short end to the affair, and be con-

[1] Mansi, t. ix. pp. 194–196; Hardouin, t. iii. p. 65. In regard to this document also the Paris codex edited by Baluze differs considerably from the text of Surius and the codex of Beauvais. It is more complete. But there is no contradiction between the texts. We have followed the Paris codex.

[2] Here, too, the Paris codex, which we follow, is again somewhat more complete than the other text.

vinced that the Emperor held inviolable and defended the definitions of the faith of the four holy Synods, and rejected all that was in opposition to them. At his command, also, those four Synods were inscribed in the diptychs—a thing which was never done before."[1]

The Synod thereupon sent deputies to the Western bishops present in Constantinople, Primasius of Africa (sec. 262B), Sabinianus, Projectus, and Paul from Illyricum, in order to request their appearance. The envoys speedily returned with the intelligence that Primasius would not come because the Pope was not there; and the other three had said that they must first take counsel with their archbishop, Benenatus. The Synod resolved to inform the latter that Benenatus was in fellowship with the Synod, and one of his suffragans, Phocas, was even present. As to Primasius, however, his case should be decided, in due time, according to the rules of the Church, that the Emperor should immediately receive information on this point also, and that a new session should be held on the following day.[2]

In this, the third session, on May 9, 553, the minutes of the two previous transactions were read, and then a confession of faith was drawn up by the bishops, which was partly identical with that of the Emperor in his edict of May 5, and declares adhesion to the decrees of the four early Councils, and to the doctrine of the Fathers, Athanasius and others. To this the Synod adds the threat of anathema on all who should separate themselves from the Church (certainly with allusion to Vigilius), and closes with the words: "In regard to the controversy on the three chapters, with respect to which the Emperor questioned us, a special meeting is necessary on another day."[3]

SEC. 269. *Fourth Session on the 12th or 13th of May.*

When the bishops again assembled on the 12th, or, accord-

[1] Mansi, t. ix. p. 198 sq.; Hardouin, t. iii. p. 68. Walch, *Ketzerhist.* Bd. viii. S. 226, has misunderstood the text of the Acts, and has taken the parting words of imperial officers for a part of the relation of the bishops. These, he says, had added that the Ministers had given to Vigilius assurances as to the orthodoxy of the Emperor.

[2] Mansi, *l.c.* p. 196 sqq.; Hardouin, t. iii. p. 67 sqq.

[3] Mansi, *l.c.* p. 200 sqq.; Hardouin, *l.c.* p. 70 sq.

ing to the Paris codex, on the 13th of May, they caused to be read, from the writings of Theodore of Mopsuestia, the passages already collected, on account of which he had been accused of heresy by the holy Fathers.[1] Callonymus, the deacon and notary, read no fewer than seventy-one passages, together with the infamous creed of Theodore (see sec. 267). The first of these passages from the third book of Theodore against Apollinaris, declares the difference between the Word and Him who was born of Mary, between the temple and the dweller therein, in a strong Nestorian sense. The same meaning is given by the second passage, which leaves it doubtful whether the Logos was united with the Son of Man in the womb of Mary, or only afterwards. The mere dwelling of the Word in a man is then declared very distinctly in Nos. 3, 4, etc. Twelve of these passages are taken from the books of Theodore against Apollinaris, others from his commentaries on John, Matthew, Luke, Acts of the Apostles, Epistle to the Hebrews, Psalms, and Prophets, from the works, *De Incarnatione*, *Ad baptizandos*, *De creatura*, and others. Some of them we have used above (vol. iii. sec. 127) in order to set forth Theodore's teaching, and this has been done more completely by Dr. Gengler in the Tübingen *Theolog. Quartalschrift*, 1835, S. 223 ff.

Even during the reading, after the twenty-seventh passage which speaks of a dwelling of the Godhead in man, and, as though the latter had been supported and healed by the former, the Synod exclaimed: "That we have already condemned, that we have already anathematised. Anathema tó Theodore and his writings . . . a Theodore, a Judas." And after the whole reading was ended, they exclaimed: 'This creed (Theodore's) Satan has made. Anathema to him who made this creed! The first Synod of Ephesus anathematised this creed with its author. We know only one creed, that of Nicæa: the other three Synods have also handed this

[1] It is not known who prepared this anthology. Some have supposed Bishop Benignus of Heraclea in Pelagonia, on account of that which is related of him below, sec. 272. Others have thought the Armenian monks (see sec. 160 in vol. iii.). Garnier (*l.c.* p. 547) thought that one or more of the bishops at the Synod had undertaken the work.

down; in this creed we were baptized and baptize others. Anathema to Theodore of Mopsuestia! He has rejected the Gospels, insulted the incarnation of God (*dispensatio*, *οἰκονομία*, cf. Suicer, *Thesaur. s.v.*). Anathema to all who do not anathematise him! His defenders are Jews, his adherents heathens. Many years to the Emperor! . . . We all anathematise Theodore and his writings." The Synod hereupon declared: "The multitude of blasphemies read out, which Theodore has spit out against our great God and Saviour, essentially against his own soul, justifies his condemnation. Yet because we will be quite exact in the examination of the matter, we must hear further on another day." [1]

Sec. 270. *Fifth Session on May* 17.

The day on which the fifth session was held is given differently in the manuscripts of the synodal Acts. The codex of Surius had *viii Idus Maii* (= May 8). But this reading cannot possibly be received, since the previous session took place on the 12th or 13th of May. The Roman editors, in their Collection of the Councils, corrected *viii Idus* into *iii* Idus (= May 13), and endeavoured to justify this assumption by a passage from a speech of Archdeacon Diodorus presently to be noticed. Baluze found, however, in his two codices, the date *xvi Kal Junias* (= May 17), and showed that this reading must be retained,[2] which was then taken by Hardouin into the text.

At the beginning of this session Diodorus, archdeacon of Constantinople, spoke thus: "The holy Synod remembers that, on a former day,[3] they had recognised the impiety of Theodore and his writings, but at the same time had resolved in another session to have read aloud what the holy Fathers and the imperial edicts pronounced concerning Theodore." [4] The

[1] Mansi, t. ix. pp. 202–230; Hardouin, t. iii. pp. 71–91.

[2] Cf. his note 9 in Mansi, t. ix. p. 230. The Ballerini also, Norisii *Opera*, t. iv. p. 960, declared for this date.

[3] The expression *anteriore die* does not mean necessarily the day immediately preceding, as the Roman editors assumed in their correction of date mentioned above.

[4] The Acts of this session are found in Mansi, t. ix. pp. 230–297; Hardouin, t. iii. pp. 91–139.

Synod adhered to this resolution, and after, as in all the other sessions, the minutes of the earlier ones had been read, a deacon brought forward from the now lost treatise of Cyril against Theodore of Mopsuestia, ten passages which contained first Theodore's own words and then Cyril's answer.[1] This was followed by a rather large fragment from the very violent letter of the Armenian and Persian clergy to Proclus, formerly bishop of Constantinople, in which Theodore is called a *pestifer homo*, nay, a wild beast in human form, and his influence and his errors are described. From the answer of Proclus to the Armenians two small passages are extracted;[2] then four passages from four letters of Cyril, one from the letter of Nabulas to Cyril, and one from the now lost *Church History* of Hesychius, a priest of Jerusalem (in the fifth century), in which the biography of Theodore of Mopsuestia is given in brief, and a very severe judgment pronounced upon him. Next followed two imperial edicts of Theodosius the younger,[3] and two utterances of Gregory of Nyssa against Theodore.[4] Finally, in proof that the writings attacked by Cyril really proceeded from Theodore, and that he was accused of heresy at so early a period, three passages from Theodoret were held sufficient.[5]

The examination immediately proceeded to another point:

[1] On this writing of Cyril's: Three Books against Theodore of Mopsuestia and Diodorus of Tarsus, cf. Fessler, *Patrologia*, t. ii. p. 564, and Garnier, *l.c.* p. 547 sq.

[2] The whole answer of Proclus is preserved among the Acts belonging to the Council of Ephesus, in Mansi, t. v. p. 421; Hardouin, t. i. p. 1722. See vol. iii. sec. 160.

[3] These we have met already (vol. iii. secs. 159 and 181), and find also in Mansi, t. v. p. 413, t. vii. p. 495; and Hardouin, t. i. p. 1715, t. ii. p. 673. The latter of these two edicts had an evil reputation in the Church from having been directed against Flavian, and had already been recalled by the Emperor Marcian. In the text of the first edict, as it appears in Mansi, t. v. p. 413, and Hardouin, t. i. p. 1715, the adherents of Nestorius are *generally* anathematised, and described as Simonians. In the text, however, as it appears in the Acts of the fifth Synod, the names of Diodorus and Theodore are inserted (Mansi, t. ix. p. 249 sq.; Hardouin, t. iii. p. 104). So, in the text of the second edict, the name of Theodore is introduced. Cf. Garnier, *l.c.* p. 548.

[4] Garnier (*l.c.* p. 548 sq.) regards them as spurious.

[5] Mansi, t. ix. pp. 231–254; Hardouin, t. iii. pp. 92–108. All that was brought forward in the fifth session against the Mopsuestian was intended to send as answer to the *Defensio* of Facundus. Cf. Garnier, *l.c.* p. 550.

Whether it was true that S. Cyril, in one of his writings, had praised Theodore and called him *bonus Theodorus*. In order to clear up this question, a passage was read from the treatise of Cyril against Theodore, in which this phrase certainly occurs: "Scriptum est a bono Theodoro adversus hæresin Arianorum," etc.; but that which goes before and that which follows show quite clearly that on one point Cyril commended the zeal of Theodore and yet accused him of false doctrine. So also several letters of Gregory of Nazianzus were read, in order to prove that the Theodore to whom they were addressed was not the Mopsuestian, but the bishop of Tyana (sec. 263); which was confirmed by Euphranta, who was then bishop of Tyana, and was present at the Synod, and by Bishop Theodosius of Justinianopolis.[1]

In order to weaken the further objection of the opponents, that no dead man should be anathematised, the deacon Photinus read several passages from Cyril; and the African bishop, Sextilian, declared that the old African Synods had decreed that those bishops who left their property to heretics should be anathematised even after their death; Augustine, too, had expressed himself in a letter in favour of the lawfulness of anathematising one who is dead (see sec. 263). In proof three passages were read from Augustine, upon which Bishop Benignus of Heraclea remarked that, as a matter of fact, many had been anathematised after their death, *e.g.* Valentinus, Marcian, Apollinaris, etc., and many Eusebians. In agreement with this, Rabulas of Edessa had anathematised Theodore of Mopsuestia after his death, and so had the Roman Church Dioscurus, bishop of Rome (antipope), after his death, although he had never offended against the faith.[2]

Theodore Ascidas, John of Nyssa, and Basil of Justinianopolis now alleged that the defenders of Theodore relied upon a supposed letter of S. Cyril to John of Antioch, in which the former disapproved of the anathema on Theodore. They produced the letter, and showed its spuriousness by quoting the genuine utterances of Cyril on the Mopsuestian. From

[1] Mansi, *l.c.* pp. 255–259; Hardouin, *l.c.* pp. 108–111.

[2] Mansi, t. ix. pp. 259–263; Hardouin, t. iii. pp. 112–114. Cf. sec. 263.

other passages of Cyril they showed that he considered an anathema on one who was dead as allowable, and they added that the opponents could not support themselves by the fact that Cyril at one time (vol. iii. sec. 160), with prudent regard to the circumstances, was unwilling to obtain an anathema on Theodore of Mopsuestia. As, however, this toleration (*dispensatio*) did not win back those who had gone astray, Cyril and Proclus had afterwards expressed themselves the more violently against Theodore. The Apostle Paul, too, had used similar toleration towards the weak, and had even kept the ordinances of the old law. So, Basil the Great and Athanasius had in some measure commended Apollinaris, and Pope Leo, at one time, Eutyches (vol. iii. sec. 171); but afterwards they anathematised those heretics. So, many others had been anathematised after their death, *e.g.* Origen. Whoever would go back to the times of Theophilus of Alexandria and still further, would find this. Indeed, the bishops present and Pope Vigilius had done the same in regard to Origen.[1] A supposed letter of Chrysostom in honour of the Mopsuestian, which was circulated by the opposition, was spurious, and contradicted the genuine letter of Chrysostom to Theodore, in which he blamed him for abandoning the monastic life. Nor could they say that Theodore had died in the communion of the Church, for only he who held the true faith until death died in Church communion.—At the close the bishops recited another passage from Gregory of Nyssa, which declared the doctrine of two Sons, and so the doctrine of Theodore, to be unchristian.[2]

After the long addresses of the three bishops the Acts of the recently held Synod of Mopsuestia (sec. 262), with the imperial edicts prefixed, were read, in proof that the name of

[1] From this passage Noris thought (t. i. p. 639) that he could prove, *luce clarius*, that Origen had at that time already been anathematised by the fifth Synod. But Theodore Ascidas (who is here the speaker) only says, in this passage, "the same bishops who are here present had lately anathematised Origen, *i.e.* had received the imperial edict against Origen of the year 543." If, however, an anathema had already been pronounced on Origen by the fifth Synod itself, there could have been no controversy on the subject of the lawfulness of anathematising a man after his death. Quite naturally Vincenzi explains the mention of Origen as an interpolation.

[2] Mansi, t. ix. pp. 263–274; Hardouin, t. iii. pp. 114–123.

Theodore had long ago been struck out of the diptychs of his own church.[1]

Here the inquiry concerning Theodore closed, and Theodoret of Cyrus came next in his turn. Several passages from his writings against Cyril, etc., were read; namely, four fragments from his polemic against the twelve anathematisms of Cyril, four fragments from some discourses of Theodoret, and five merely entire letters of his.[2] Theodoret declared himself here as openly heterodox, whilst he himself wanted to make the doctrine of Cyril to be heretical. In order to oppose the supposed mingling of the divine and the human with Cyril, he made a separation in a Nestorian sense between Godhead and manhood in Christ, and rejected expressions which, up to the present day, are the Shibboleth of orthodoxy in the Church. In the first fragment, *e.g.*, he says, "God the Word is not incarnate"; in the second, "an hypostatic union we do not acknowledge at all"; in the third and fourth he opposes the *communicatio idiomatum*; in the fifth he calls S. Cyril an *impius*; in the sixth an *impugnator Christi*; in the seventh a *novus hæreticus*, who confuses the natures in Christ, etc.[3]

After the reading was finished the Synod declared: "The accuracy of the Council of Chalcedon is wonderful. It recognised the blasphemies of Theodoret, at the beginning it directed many exclamations against him, and received him only after he had anathematised Nestorius and his blasphemies.—On a subsequent day an inquiry was to be instituted on the last chapter, the letter of Ibas."[4]

[1] Mansi, *l.c.* pp. 274–289; Hardouin, t. iii. pp. 123–134.

[2] The last of these letters, with the superscription to John of Antioch, is ambiguous. One who is dead is there violently blamed (the superscription of the letter says Cyril of Alexandria); but John of Antioch died before Cyril, and it was therefore impossible that Theodoret should write on the death of Cyril to John of Antioch. Either, then, the letter is spurious, or we must think of another than the Alexandrian (as Basnage did); or we must assume, with Peter de Marca and Noris, that in the superscription of the letter instead of *John* of Antioch we should read *Domnus* of Antioch. Cf. Garnier, *De libris Theodoreti*, in Schulze's edition of the works of Theodoret, t. v. p. 376; Ballerini (in Noris, *Opera*, t. iv. p. 961), and Walch, *Ketzerhist.* Bd. viii. S. 273 f.

[3] Mansi, *l.c.* pp. 289–297; Hardouin, *l.c.* pp. 134–139.

[4] Mansi, *l.c.* p. 297; Hardouin, *l.c.* p. 139.

Sec. 271. *Sixth Session on May* 19.

In the sixth session, May 19, 553, the minutes of the previous meetings were again read at the beginning, and the Synod then declared: "As certain persons maintain that the supposed letter of Ibas was received by the Council of Chalcedon, and, in proof, appeal to the utterances of one or another member of that assembly, whilst at the same time all the other bishops were not of the same view, the letter in question must first of all be read." This was done, and our Acts contain here the Latin translation of the letter which is preserved in the Greek original in the minutes of the tenth session of Chalcedon. We gave its chief contents above (vol. iii. sec. 196). The Synod then ordered the reading of the letter of Proclus to John of Antioch, in which the former relates that Ibas had been accused before him of being an adherent of Nestorianism, and of having translated writings of Theodore into Syriac and circulated them. After, then, the Synod had pronounced the rejection of the letter to Maris in general, Theodore Ascidas and three other bishops gave an account of the transactions held on the subject of Ibas more than a hundred years ago (vol. iii. secs. 169 and 196), how he had been accused, but at Tyre had pronounced anathema on Nestorius, and maintained that, since the union between Cyril and the Orientals, he had written nothing more against him. At the same time, he had denied the authorship of the letter. Subsequently, because of his opposition to Cyril, he had been deposed, together with Domnus of Antioch (the bishops do not mention that this was done at the Robber-Synod, see vol. iii. sec. 179), and that, at Chalcedon, putting aside the question about the letter, he had spoken only of the other charges which were brought against him. The bishops then say, further, that the opposition, with heretical slyness, referred to one or two utterances on Ibas which were made by individual members at Chalcedon, in order to prove that the Synod had accepted his letter. But in Councils nothing was decided by the utterance of one or another. Moreover, these *votes*[1] should be considered more closely, and it would be

[1] [*Voices* rather—testimonies in favour of the accused during the discussion.]

found how these very voters (indirectly) rejected the letter, since they demanded of Ibas that he should acknowledge the Council of Ephesus and anathematise Nestorius, the direct contrary of which was contained in the letter.

The bishops then adduced some of the testimonies (*vota*) given at Chalcedon, particularly that of Eunomius of Nicomedia, to which the opposition particularly appealed, as if he had blamed the first part of the letter, but commended the second.[1] They show that, by the words *in* posterioribus *recte confessus*, not the latter part of the letter, but the later confession of Ibas at Chalcedon, is meant. All the bishops at Chalcedon had demanded from Ibas an anathema on Nestorius, who was commended in that letter; and Ibas had given such an anathema; and so had done it twice over. On the one hand, he had denied the authorship of the letter; on the other hand, he had (indirectly) anathematised the letter itself.[2] The bishops, however, pass over the most important votes in silence, namely, that of the papal legates and that of the Patriarch Maximus of Antioch (vol. iii. sec. 196). The former said: "Relectis chartis agnovimus ex sententia reverendissimorum episcoporum (the commission at Tyre) Ibam innoxium probari. Relecta enim ejus epistola agnovimus eum esse orthodoxum." Similarly Maximus: *καὶ ἐκ τοῦ ἀναγνωσθέντος δὲ ἀντιγράφου τῆς ἐπιστολῆς . . . ὀρθόδοξος ὤφθη αὐτοῦ ἡ ὑπαγορία.*[3]

In order to make it more completely clear, by comparison, that the letter to Maris is heretical, they caused a series of documents of the Synods of Ephesus and Chalcedon to be read, as follows:—

1. The second letter of Cyril to Nestorius (vol. iii. sec. 129), with some utterances of Cyril and other bishops at the Œcumenical Synod of Ephesus, bearing upon it.

2. The answer of Nestorius to Cyril (*ib.* and sec. 134) again in connection with the judgments rendered at Ephesus.

[1] This *Votum* is found here, and in the Acts of Chalcedon, only in the Latin translation.

[2] Mansi, t. ix. pp. 297–307; Hardouin, t. iii. pp. 139–147.

[3] Hardouin, t. ii. p. 539; Mansi, t. vii. p. 262.

3. The letter of Coelestius of Rome to Nestorius.

4. The letter of Cyril and the Alexandrian Synod to Nestorius, together with the twelve appended anathematisms of Cyril (secs. 131 and 134).

5. From the minutes of the second session of Chalcedon (sec. 190) they read, first, the demand of the imperial commissaries, that the bishops should now quickly declare the true faith (sec. 190), and next the famous *Epistola dogmatica* of Leo should be read (sec. 176). Also,

6. An expression of Bishop Atticus from the same session of Chalcedon (sec. 190), from which it is plain that the Synod had recognised the letter of Leo just named, and also the letter of Cyril and his Synod to Nestorius as an expression of the true faith, and had put it into the hands of the bishops for their own more careful guidance.

7. A number of other documents were taken from the fourth session of Chalcedon: (*a*) a demand of the imperial commissaries, that the bishops would now publish their view on the faith without fear (sec. 192); (*b*) the second demand, that they would lay their hand upon the Gospels and declare whether the letter of Leo agreed with the creed of Nicæa and Constantinople; and (*c*) the votes of the bishops on these subjects.

8. Finally, they brought forward, from the Acts of the fifth session of Chalcedon, the confession of faith of this Council, together with the creeds of Nicæa and Constantinople inserted in it (see sec. 193).[1]

After this was done, the deacon and notary Thomas was required to read a short document, prepared beforehand, in which utterances of the Council of Chalcedon and statements from the letter to Maris were set over against each other, in order to show that the Council had taught the opposite of that which was to be read in the letter. The Council said: "God the Word has become flesh and man, is our Lord Jesus Christ, one of the Trinity"; the letter, on the contrary, called everyone a heretic and an Apollinarist who spoke of an incarnation and a becoming man of the Divine Word.

[1] Mansi, t. ix. pp. 308-341; Hardouin, t. iii. pp. 147-166.

The Council called Mary the Godbearer; the letter contested this predicate. The Council declared its consent to follow the decrees of Ephesus, and anathematised Nestorius; the letter insulted the Synod of Ephesus, and defended Nestorius. The Council honoured Cyril as a teacher, and had accepted his letter with the twelve anathematisms; the letter to Maris called Cyril a heretic, his anathematisms impious, and blamed his doctrine of two natures and one person, and of the *Communicatio idiomatum*. The Fathers of the Council confess repeatedly that they teach exactly as Cyril did; the letter scoffs at the teaching of Cyril. The Council anathematises all who introduce another creed; the letter praises Theodore, who drew up an impious creed. Generally, the doctrine of the letter was quite opposed to that of Chalcedon, and even when it spoke of two natures, as did the Synod of Chalcedon, it signified by that properly two persons, like Nestorius.[1]

After all this the Synod pronounced the sentence: "The transactions which have taken place show clearly that the letter which Ibas is said to have written is thoroughly contradictory to the declaration of faith of Chalcedon. Therefore all the members of that Synod demanded that Ibas should anathematise Nestorius, whom that letter defended, and should subscribe the declaration of faith. In doing so they showed that they regarded as invalid what one or two had said in favour of that letter; whilst these also united with the others, and accepted Ibas only after he had done penance and anathematised Nestorius, and had subscribed the confession of faith of Chalcedon." All exclaimed: "The letter is heretical; we all condemn this letter; it is foreign to the Synod of Chalcedon. It is quite heretical, quite blasphemous. Whoever accepts it is a heretic; the declaration of faith of Chalcedon condemned this letter. Anathema to Theodore, to Nestorius, and to the letter ascribed to Ibas. Whoever does not anathematise this letter insults the Synod of Chalcedon. Many years to the Emperor! many years to the orthodox Emperor!"[2]

[1] Mansi, t. ix. pp. 341–345; Hardouin, t. iii. pp. 167–170.

[2] Mansi, t. ix. p. 345 sq.; Hardouin, t. iii. p. 170.

Sec. 272. *The* Constitutum *of Vigilius, May* 14, 553.

During the sessions of the Synod heretofore described, Pope Vigilius prepared that comprehensive memorial to the Emperor,[1] of the composition of which he had already informed the commissaries sent to him in the words: He would within twenty days set forth his view of the three chapters separately from the Synod (sec. 268). It is headed, *Constitutum Vigilii Papæ de tribus capitulis*, and therefore is called *Constitutum*, and is dated May 14, 553, from Constantinople, and is subscribed by sixteen other bishops, besides Vigilius, and three Roman clergy.[2] Of those sixteen bishops, nine were Italians—from Marsi, Scyllacium, Silva Candida, Cingulum, Ariminum, Malta, Nomentum, Lipara, Numana; two Africans—from Nasaita and Adrumetum; two from Illyricum—from Ulpianum and Zappara; and three from Asia—from Iconium, Claudiopolis, and Melitene in Armenia. The three Roman clerics were Archdeacon Theophanius and the two deacons Pelagius and Peter.[3]

The *Constitutum* begins by praising the Emperor for having demanded declarations of faith from all the bishops, with a view to removing the discord in the Church. Two such, the Pope proceeds, had already been given, and he inscribed them here verbally, namely, that of Mennas and Theodore Ascidas, and the somewhat later one of Eutychius, the new patriarch of Constantinople, and others (sec. 265). He had wished that soon an assembly (Synod) might be held in Italy or Sicily, in order to consider the subject of the three chapters; but the Emperor had not agreed to this, and, on the contrary, had made the proposal to summon to Constantinople, from Africa and other Western provinces, those bishops whose names the Pope would put down, and whom he

[1] It has been disputed whether and when the Synod received a sight of this *Constitutum* from the Emperor. But this dispute is quite without foundation, since the Emperor did not receive the *Constitutum* (and therefore could not communicate it to the Synod), as we see from the statement of the imperial Quæstor Constantine in the seventh session. Cf. below, sec. 273.

[2] Reprinted in Mansi, t. ix. pp. 61–106; Hardouin, t. iii. pp. 10–47.

[3] On these friends of the Pope, cf. Garnier, *l.c.* p. 555; Noris, *l.c.* t. i. p. 622 *sq.*

wished as councillors. Out of love for peace, he had assented. A short time before Easter the Emperor had resolved that an equal number of the bishops present in Constantinople should consider the matter (*i.e.* as Vigilius understood it, as many Greeks as Latins; whilst the Emperor meant that the same number of bishops should be chosen from each patriarchate). Whilst, then, the Pope, in giving effect to his view of the matter, was occupied with the three chapters, the officer of the palace, Theodore, had handed him an imperial letter, not many days before Easter[1]—an imperial letter in which Justinian already pronounced his judgment on the three chapters, and also demanded a declaration upon them from the Pope (this means the edict which was read at the first session of the fifth Synod, sec. 267). The Greek bishops had not agreed to consider the matter in a number equal to that of the Pope and his bishops, nor even that the Pope should set forth his view in writing, on the assumption that he would make concessions by word of mouth which he would be afraid to put in writing. Moreover, the Emperor had again sent officials to him with the demand that he would, as soon as possible, make a declaration concerning the three chapters. In order also to respond to this wish, he had now asked for a delay of twenty days, in reference to his well-known sickness, and had sent the deacon Pelagius to the bishops with the explanation, that, as the customary way and manner of meeting had not been observed they ought to wait twenty days longer, and not, in opposition to the rule of the Church, give their own judgment before the appearance of the sentence of the apostolic see, by which course new troubles might arise. He had now carefully examined the Acts of the four old holy Synods, the decrees of his predecessors, and the writings of other tried Fathers, in regard to the matter of the three chapters, and had scrutinised the paper codex which the Emperor had sent to him through Bishop Benignus of Heraclea, in Pelagonia.[2]

[1] Instead of *ante multos Paschæ*, we should read *non ante multos*, etc., as is clear from what goes before. Cf. Garnier, *l.c.* p. 555.

[2] Pelagonia is a part of Macedonia. The text has here, by mistake *Paphlagonia*. Cf. Noris, *l.c.* p. 603.

This contained, in its first part, many expressions (of Theodore of Mopsuestia) which were thoroughly opposed to the orthodox doctrine, which he therefore solemnly anathematised, and thought well to embody in his *Constitutum*.

There now follow, in sixty numbers, the most of those seventy-one passages from several books of Theodore of Mopsuestia which we met with at the fourth session[1] (sec. 269). Immediately after each of these verbally quoted *Capitula Theodori*, Vigilius makes his *Responsio* follow, in which he endeavours to set forth briefly their heretical character. After he had once more condemned them *ex apostolicæ sententiæ auctoritate*, he proceeds: As the codex communicated to him by the Emperor ascribed these infamous passages to Theodore of Mopsuestia, he had thought it necessary to inquire in the old Fathers what had been said and concluded by them respecting Theodore. He had found that S. Cyril, after the death of Theodore, had communicated the following concerning him in a letter to John of Antioch:[2] "As the declaration of faith read at Ephesus, ascribed to Theodore, contained nothing sound, the holy Synod had rejected it, as full of perversities, and had condemned all who thus thought. Of the person of Theodore, however, in particular, they did not speak, did not anathematise him or any other *by name*" (vol. iii. sec. 206). In the Acts of the first Synod of Ephesus, he (Vigilius) had formed no judgment at all on the person of Theodore, and it was clear that Cyril, holding the priestly moderation in regard to the dead, had not wished that Theodore's name should be inscribed in the Acts, as he, lower down in his letter, also blamed those who directed their arrows against the ashes of Theodore (vol. iii. sec. 160). In proof that it was not right to anathematise the dead, the Pope appeals further to some utterances of Bishop Proclus of Constantinople, who declared that he had demanded an anathema on the propositions of Theodore, but

[1] These sixty numbers contain in No. 13 a fragment of Theodore which was not contained among those fragments read at the fourth session. Moreover, Nos. 42 and 43 among the seventy-one are here combined into No. 42, so that of the seventy-one there appear here properly sixty, and, in addition, one new passage.

[2] Mansi, t. v. p. 993. C. 206.

not on his person. The Council of Chalcedon, too, Vigilius goes on, had decreed nothing on the person of Theodore, and had uttered nothing prejudicial thereto, whilst they had referred with recognition and commendation to that letter of John of Antioch and his Synod to Theodosius the younger, then Emperor, in which Theodore is excused, and a condemnation of him after his death deprecated.[1] And this allocution the Emperor Justinian himself had adduced as testimony in his edict on the sentence, "One of the Trinity was crucified." The Pope said, he had further inquired carefully what his predecessors had said on the question, whether anyone who had not been anathematised in his lifetime could be anathematised after his death. Against such harshness Leo and Gelasius had, in particular, declared themselves, saying that the dead should be left to the judgment of God. The Roman Church, too, had always, in practice, followed this rule, and in like manner Dionysius the Great, of Alexandria, had indeed condemned the books of the departed Bishop Nepos, because they contained chiliastic error, but not his person (see vol. i. sec. 8). Accordingly, the Pope said he did not venture to pronounce anathema on the person of the departed Theodore of Mopsuestia, and did not allow that others should do so. But it did not, in the least, follow from this that he should tolerate or find admissible those utterances ascribed to Theodore, or any other heretical utterance.

In the second place, as regarded the writings circulated under the name of Theodoret, he wondered that anything was undertaken to the dishonour of this man, who, more than a hundred years ago, had subscribed without hesitation the sentence of Chalcedon, and had willingly given his assent to the letters of Pope Leo. Although Dioscurus and the Egyptian bishops at Chalcedon had called him a heretic, yet the holy Synod, after a careful examination of Theodoret, had required nothing else from him than that he should anathematise Nestorius and his heresy. He had done this with loud voice, and therewith had anathematised at

[1] In their allocution to the Emperor Marcian, see vol. iii. sec. 193, and Hardouin, t. ii. p. 650 ; Mansi, t. vii. p. 466.

Chalcedon all statements of Nestorian tendency, whencesoever they might proceed (thus even if they proceeded from himself). If these Nestorianising propositions were condemned, in connection with the name of Theodoret, this would be an insult to the Synod of Chalcedon; and it would be the same as to say that some of its members (namely, Theodoret) had on one side rejected the Nestorian heresies, and on the other had upheld them. Nor should it be said that the Fathers at Chalcedon had neglected to enter upon the insults which Theodoret had cast upon the twelve anathematisms of Cyril. On the contrary, this shows either that Theodoret had not been guilty of this offence, or that the Fathers had chosen to follow the example of Cyril, who, at the union, passed over in silence all the insults of which the Orientals had before that been guilty at Ephesus. By this, that Theodoret solemnly accepted the doctrine of S. Cyril, he had given him adequate satisfaction. For this reason also nothing should now be undertaken to the dishonour of Theodoret; but the Pope anathematises all statements favourable to Nestorianism or Eutychianism, whether they are circulated under the name of Theodoret or of any other. It must certainly suffice that he (the Pope) should anathematise Nestorius with Paul of Samosata and Bonosus, Eutyches with Valentinus and Apollinaris, and all other heretics with their heresies. He will, however, add specially five anathematisms.

1. If anyone does not confess that, without encroachment on the unchangeableness of the divine nature, the Word became flesh, and by the conception in human nature was hypostatically united with it, but, on the contrary, says that the Word united Himself with an already existing man, and therefore does not call the holy Virgin in the full sense God-bearer, let him be anathema.

2. If anyone denies the hypostatic union of the natures in Christ, and says that God the Word dwelt in a separately existing man, as one of the righteous, and does not confess an hypostatic union of the natures, in such a manner that God the Word remained one subsistence or person with the flesh assumed, let him be anathema.

3. If anyone so separates the expressions of the Gospels

and apostles, which refer to the one Christ, that he introduces also a separation of the natures, let him be anathema.

4. If anyone says that the one Jesus Christ, the true Son of God, and at the same time the true Son of man, had no knowledge of the future, and specially of the last judgment, and knew only so much of it as the Godhead, who dwelt in Him as another, revealed thereof, let him be anathema.

5. If anyone understands the passage, Heb. v. 7, 8, only of Christ stripped of the Godhead, . . . and introduces two Sons, let him be anathema.

Finally, the Pope says he had instituted inquiries with respect to the letter of the venerable Ibas, and, as he was not himself acquainted with Greek, he had caused those who were about him to look out this subject in the Acts of Chalcedon. They had there found the testimonies (*vota*) of the papal legates, of Anatolius of Constantinople and Maximus of Antioch, which the Pope verbally inserted (see vol. iii. sec. 196, and above, sec. 271). It was clear that the legates of the apostolic see regarded Ibas as orthodox after the reading of his letter; that Anatolius said: "From all that has been read, the innocence of Ibas results"; and Maximus: "From the letter read his catholic confession is clear." The other bishops had not only not contradicted, but evidently had agreed. They had therefore found the confession of Ibas orthodox; because in the letter in question he had commended the union between the Orientals and Cyril, and had accepted the confession of faith of the union. The attacks on Cyril, which Ibas allowed himself to make in his letter, from want of complete knowledge, were not approved by the Fathers at Chalcedon; indeed they were condemned by Ibas himself upon fuller information, as is shown by the testimony of Eunomius in stating an historical fact: "Illa quæ culpaverat refutavit." The testimony of Juvenal shows the same. Moreover, before this, as is shown by the sentence of judgment of Photius and Eustathius, Ibas had quite publicly recognised the decrees of the first Ephesine Synod, and placed them beside those of Nicæa, and had also had communion with Cyril after the latter had explained his anathematisms. So long as he misunderstood the propositions of Cyril, he had opposed them

in an orthodox sense; but after better understanding, he had himself accepted them.

At the second Synod of Ephesus (the Robber-Synod) he had been wrongly deposed; but the Synod of Chalcedon had rightly declared and accepted him as orthodox; he had given adequate satisfaction for his attacks on Cyril, which had proceeded from ignorance. The Pope therefore declared that the judgment of the Fathers at Chalcedon, as in all other points, so in regard to the letter of Ibas, must remain inviolate. No cleric must oppose this judgment, or venture to alter the sentence of Chalcedon on the letter of Ibas as incomplete. Let no one, however, suppose that this could derogate from the letter of Cyril and his anathematisms, as it was well known that Ibas, after the explanation of the words of Cyril which ensued, had maintained Church communion with him until his death. Moreover, no one must maintain that the papal legates at Chalcedon (who led the way in the restoration of Ibas to his bishopric) had authority only in points of faith, but not in regard to the restoration of wrongfully deposed bishops. Such an opinion was contradicted by the express words of Pope Leo, who had learned and confirmed all that had taken place at Chalcedon. The same Leo had also repeatedly declared that nothing was to be altered in the decrees of Chalcedon. So Pope Simplicius, and Vigilius himself, in his letter to Mennas (*i.e.* the *Judicatum*), of which five fragments were communicated (see sec. 259). They must also abide by that which was contained in the testimonies of the bishops and of the papal legates at Chalcedon in regard to the letter of Ibas and his person, and that must suffice for all Catholics which that holy Synod had regarded as sufficient, when it declared: "He shall only anathematise Nestorius and his doctrines." The *Constitutum* finally closes with the words: "We ordain and decree that it be permitted to no one who stands in ecclesiastical order or office, to write or bring forward, or undertake, or teach anything contradictory to the contents of this *Constitutum* in regard to the three chapters, or, after this declaration, begin a new controversy about them. And if anything has already been done or spoken in regard of the

three chapters in contradiction of this our ordinance, by any one whomsoever, this we declare void by the authority of the apostolic see."[1]

Sec. 273. *Seventh Session, May* 26.

Immediately after the opening of the seventh session an imperial commissary entered, in order, by his master's commission, to give information respecting the conduct of Pope Vigilius. The Paris codex places this seventh session on the 3rd of June; the manuscript of Beauvais, on the contrary, as well as that which Surius used, on the 26th of May; and the latter is to be preferred, since the 2nd of June is given in all the MSS. without exception as the date of the eighth session. Generally speaking, the manuscripts in regard to the Acts of the seventh session differ more widely than at any other place. The Paris codex, which we follow, is again much more complete than the two others, which agree with one another.[2]

All three codices relate that after the reading of the minutes of the earlier sessions, and before the Synod passed to any new business, the quæstor of the imperial palace, Constantine, entered, and spoke substantially as follows:[3] "You know how much the Emperor has always thought of having the doubts respecting the three chapters resolved. For this reason also he has required that Vigilius should come to you, and draw up a decree on this matter in accordance with the orthodox faith. Although, therefore, Vigilius has already frequently condemned the three chapters in writing, and has done this also by word of mouth in the presence of the Emperor, imperial ministers, and many members of this Council (sec. 259), and has smitten with anathema all who defend Theodore of Mopsuestia, and the letter ascribed to Ibas, and the writings of Theodoret against Cyril, etc., yet he has refused to do this in communion with

[1] Garnier (*l.c.* p. 555) says of this *Constitutum*, it is "mirabili quadam ratione compositum, ut nihil seculo sexto melius, et forte par editum reperiatur."

[2] The Ballerini (in Noris, *Opp.* t. iv. p. 1037) raise objections which do not seem sufficient against the additional matter of the Paris codex.

[3] In regard to his speech the three codices differ widely.

you and your Synod. . . . Yesterday Vigilius sent Servus-Dei, a subdeacon of the Roman Church, and invited Belisarius, Cethegus, and some other high officers of State, as well as Bishops Theodore Ascidas, Benignus, and Phocas, to come to him, as he wished to give through them an answer to the Emperor. They came, but speedily returned, and informed the Emperor that Vigilius wished to give them a document just prepared by him, in order that they might read it, and then communicate it to the Emperor. As they hesitated to receive it, the papal subdeacon Servus-Dei was now standing at the door of the Emperor, in order to convey that document to him. The Emperor, however, did not admit the subdeacon, but sent him, by his minister, the following answer to Vigilius: 'I invited you to take measures in common with the other patriarchs and bishops with respect to the three chapters. You have refused this, and now wish, for yourself alone, to give a judgment in writing (in the *Constitutum*). But, if you have, in this, condemned the three chapters, I have no need of this new document, for I have from you many others of the same content. If, however, you have, in this new document, departed from your earlier declarations, you have condemned yourself.' This answer the Emperor gave only by word of mouth. Before, however, you bring the matter in regard to the three chapters quite to an end, the Emperor wishes to communicate to you some more documents, namely, two letters from Vigilius, an autograph to the Emperor, and one written by another hand, but signed by him, to the Empress; further, the edict in which Vigilius deposed the Roman deacons Rusticus and Sebastian, etc., his letters to the Scythian Bishop Valerian, and to Bishop Aurelian of Arles, and finally that written promise, in which he had declared on oath that he would anathematise the three chapters if his *Judicatum* were given back to him, which was necessary (secs. 259, 260, and 261). To-day the Emperor allowed the Western bishops and the clergy of Vigilius, together with Bishop Vincentius of Claudiopolis, to meet together, and sent to them the patrician Cethegus, myself, and others. We placed before them that written promise of Vigilius, just named, to which the sub-

deacon Servus-Dei and Bishop Vincentius had affixed their seal. This seal was broken, the document read, and Vincentius declared that he had then been still subdeacon in the Roman Church, and in this capacity had taken part in the affair.—Further, by commission of the Emperor, I must inform you that Vigilius and his clergy often said to the Emperor, that he must maintain the state of the Church as it was in the time of his father (adoptive father, Justin I.). In order, therefore, to show that his father had the same opinion with regard to the three chapters, the Emperor communicates to you his letter to Hypatius, the *Magister militum* in the East. This letter was occasioned by an incident in the city of Cyrus, where Theodoret's likeness was carried round in triumph, and an ecclesiastical festival was celebrated in honour of Theodore of Mopsuestia, Diodorus of Tarsus, Theodoret, and Nestorius, which led to the deposition of Sergius who was bishop there. All these documents it was necessary to bring to the knowledge of the Synod."[1]

The bishops naturally agreed to this, and had read:—

1. The letter of Vigilius to the Emperor (secs. 259 and 267).

2. His letter to the Empress Theodora (*ibid.*).

3. The edict in which the Pope pronounced the deposition of Rusticus, Sebastian, and other Roman clerics (sec. 260).

4. The letter of the Pope to the Scythian Bishop Valentinian (sec. 260).

5. The letter to Bishop Aurelian of Arles (*ibid.*).

6. The document in which the Pope asserted on oath that he was willing to anathematise the three chapters on receiving back the *Judicatum* (sec. 261); and finally—

7. The letter of the Emperor Justin I. to Hypatius on account of the incident in the city of Cyrus, August 7, 520.

The Synod declared that from this the zeal of the Emperor for the true faith was clearly to be recognised, and promised daily to pray for him. As, however, they wanted to close the session, the quæstor Constantine presented one other letter of the Emperor, containing the command, that the name of Vigilius should be struck from all the diptychs, because,

[1] Mansi, t. ix. pp. 346–351; Hardouin, t. iii. pp. 171–175.

through his defence of the three chapters, he had participated in the impiety of Nestorius and Theodore. The Emperor, however, did not mean by this entirely to break off communion with the apostolic see, neither did he wish the Synod to do so.[1] The minutes inform us that this letter was read, and approved by the Synod with the words: "This is in accordance with the efforts of the Emperor for the unity of the Churches, and we will preserve unity with the apostolic see of Old Rome."

It is remarkable that this letter of the Emperor is, in the Acts, dated July 14, whilst the seventh session took place on the 26th of May. Remi Ceillier and Du Pin inferred from this, that it could not have been read at the seventh session, nor even at the eighth and last;[2] but the synodal minutes, as they stand in the Paris codex, places the reading of this letter so decidedly and with such details at the seventh session, that we prefer to believe that the imperial edict was then, indeed, communicated to the Synod, but that it was not until the 14th of July that it was publicly posted up, and therefore it bears the date.[3]

Sec. 274. *Eighth and last Session, June* 2, 553.

It had already been determined, at the end of the previous session, at once to publish the final judgment on the matter of the three chapters, and the deacon and notary Collonymus therefore read immediately the uncommonly copious sketch of the synodal sentence which had been prepared beforehand, probably by Eutychius and Ascidas. Its beginning is still extant in Greek, the whole, however, only in the old Latin translation; and the substance of it is as follows: "Because we saw that the adherents of Nestorius were making the effort by means of the impious (*impium* =

[1] Mansi, *l.c.* p. 366; Hardouin, *l.c.* p. 186.

[2] Remi Ceillier, *Hist. des auteurs sacrés*, etc., t. xvi. p. 763; Du Pin, *Nouvelle Bibliothèque des auteurs ecclésiastiques*, t. v. p. 203.

[3] Walch passes over this difficulty entirely, and maintains (Bd. viii. S. 239) wrongly: "In all these documents I find no difference between the manuscripts, whilst, however, in fact, only the Paris codex has this imperial letter and the document No. 6 mentioned above. The Ballerini (in Noris, *Opp.* t. iv. p. 1036) hold the imperial letter to be spurious on insufficient grounds (the date).

heretical) Theodore, who was bishop of Mopsuestia, and his writings, moreover by that which Theodoret impiously wrote, and by the shameful letter which is said to have been written by Ibas to the Persian Maris, to impose their impiety upon the Church of God, therefore have we risen up to prevent this, and have come together, by the will of God and at the command of the pious Emperor, in this city of the residence. And, as Vigilius is also residing here, and has often condemned the three chapters, orally and in writing, and has agreed in writing to take part in a Synod, and to take counsel in common with us on the three chapters . . . the Emperor exhorted both him and us to come together, and we requested him to fulfil his promise, and drew his attention to the apostolic Council and the old Synods. . . . We and the Emperor sent frequently to him; but he declared that he wished to give his view of the three chapters in writing for himself alone. After we received this answer, we remembered the word of the apostle: 'Every one of us shall give account of himself unto God' (Rom. xiv. 12), assembled at the Synod, and first of all made confession of the orthodox faith . . . united with an anathema on all who had been condemned by the four previous holy Synods. We then began the inquiry as to the three chapters, and first on Theodore of Mopsuestia. His blasphemies were produced from his books . . . and we were so angered thereby, that we immediately anathematised Theodore by acclamation. . . . Further, there were read utterances of the holy Fathers, who opposed Theodore, and imperial laws, etc. (at the fifth session), and the questions examined, whether heretics could still be anathematised after their death, and whether Cyril and Proclus really spoke in favour of Theodore (both points were here, in the sentence, copiously discussed). Then there was read a little from the writings of Theodoret against Cyril, against the first Ephesine Synod, and the true faith, also (at the sixth session) the supposed letter of Ibas was read . . . and it was examined whether the latter had been accepted by the Council of Chalcedon. In order to put aside all objections, we also caused to be read utterances of S. Cyril and Pope Leo (the *Epistola dogmatica*), and also presented the

declaration of faith of Chalcedon, in order to show that the letter of Ibas was in entire contradiction to this. . . . The testimonies (*vota*) of some few bishops at Chalcedon, however, which seem favourable to the letter, cannot be adduced by the opposition, since all the members of that Synod demanded of Ibas an anathema upon Nestorius and his doctrines, also on the contents of that letter. . . . We now condemn and anathematise, with all other heretics who have been condemned and anathematised at the four holy Synods, and by the holy Catholic and Apostolic Church, also Theodore, formerly bishop of Mopsuestia, and his impious writings, likewise that which Theodoret wrote *impie* against the true faith, and against the twelve anathematisms of Cyril, against the first Synod of Ephesus, and in defence of Theodore and Nestorius. Besides this, we anathematise the impious letter which Ibas is said to have written to Maris, in which it is denied that God the Word became flesh and man of the holy Godbearer and perpetual Virgin Mary. We also anathematise the three chapters named, *i.e.* the impious Theodore of Mopsuestia with his mischievous books, and what Theodoret *impie* wrote, and the impious letter which Ibas is said to have composed, together with their defenders who declare the three chapters to be right, and who sought or shall seek to protect their impiety by the names of holy Fathers or of the Council of Chalcedon. Finally, we find it necessary to put together the doctrine of truth and the condemnation of heretics and their impiety into some chapters (anathematisms).[1]

As these fourteen anathematisms, besides the old translation, are still extant in the Greek original text, we give the latter with a German (English) translation added, and remark at the same time that these anathematisms are, to a large extent, verbally identical with those contained in the Emperor's ὁμολογία [2] (sec. 263).

[1] Mansi, t. ix. pp. 367–375 ; Hardouin, t. iii. pp. 187–194.

[2] They have several improvements over the earlier statements, however, as is shown by Garnier, who highly commends them, in his *Diss. de V. Synodo*, in Schulze's edition of the works of Theodoret, Bd. v. S. 567.

I.

Εἴ τις οὐχ ὁμολογεῖ πατρὸς καὶ υἱοῦ καὶ ἁγίου πνεύματος μίαν φύσιν, ἤτοι οὐσιάν, μίαν τε δύναμιν καὶ ἐξουσίαν, τριάδα ὁμοούσιον, μίαν θεότητα ἐν τρισὶν ὑποστάσεσιν ἤγουν προσώποις προσκυνουμένην· ὁ τοιοῦτος ἀνάθεμα ἔστω· εἷς γὰρ θεὸς καὶ πατὴρ, ἐξ οὗ τὰ πάντα, καὶ εἷς κύριος Ἰησοῦς Χριστὸς, δι' οὗ τὰ πάντα, καὶ ἓν πνεῦμα ἅγιον, ἐν ᾧ τὰ πάντα.

If anyone does not confess that the Father, the Son, and the Holy Ghost have one nature or essence, one power and might; (or does not confess) the co-essential [consubstantial] Trinity, one Godhead in three hypostases or persons worshipped, let him be anathema. For there is one God and Father of whom are all things, and one Lord Jesus Christ through whom are all things, and one Holy Spirit in whom are all things.

II.

Εἴ τις οὐχ ὁμολογεῖ, τοῦ θεοῦ λόγου εἶναι τὰς δύο γεννήσεις, τήν τε πρὸ αἰώνων ἐκ τοῦ πατρὸς, ἀχρόνως καὶ ἀσωμάτως, τήν τε ἐπ' ἐσχάτων τῶν ἡμερῶν, τοῦ αὐτοῦ κατελθόντος ἐκ τῶν οὐρανῶν, καὶ σαρκοθέντος ἐκ τῆς ἁγίας ἐνδόξου θεοτόκου καὶ ἀειπαρθένου Μαρίας, καὶ γεννηθέντος ἐξ αὐτῆς· ὁ τοιοῦτος ἀνάθεμα ἔστω.

If anyone does not confess that there are two births of God the Word, the one from eternity of the Father, out of time and incorporeal, and the other in the last days, in that He came down from heaven, and was made flesh of the holy, glorious Godbearer, and ever-virgin Mary, and was born of her, let him be anathema.

III.

Εἴ τις λέγει, ἄλλον εἶναι τοῦ θεοῦ λόγον[1] *τὸν θαυματουργησάντα, καὶ ἄλλον τὸν Χριστὸν τὸν παθόντα, ἢ τὸν θεὸν λόγον συνεῖναι λέγει τῷ Χριστῷ γενομένῳ ἐκ γυναικὸς, ἢ ἐν αὐτῷ εἶναι ὡς ἄλλον ἐν ἄλλῳ, ἀλλ' οὐχ ἕνα καὶ τὸν αὐτὸν κύριον ἡμῶν Ἰησοῦν Χριστὸν, τὸν τοῦ θεοῦ λόγον, σαρκωθέντα καὶ ἐνανθρωπήσαντα, καὶ τοῦ αὐτοῦ τά τε θαύματα καὶ τὰ πάθη, ἅπερ ἑκουσίως ὑπέμεινε σαρκί· ὁ τοιοῦτος ἀνάθεμα ἔστω.*

[1] In Mansi, t. ix. p. 337, by a typographical error, *λόγον* is wanting.

If anyone says that the Word of God who worked miracles is one, and that Christ who suffered is another; or says that God the Word is become the same as the Christ who was born of a woman, or is in Him as one is in another, and that it is not one and the same our Lord Jesus Christ, the Word of God, who became flesh and man, and that the miracles which He wrought and the sufferings which He voluntarily endured in the flesh are not His, let him be anathema.

IV.

Εἴ τις λέγει, κατὰ χάριν, ἢ κατὰ ἐνέργειαν, ἢ κατὰ ἰσοτιμίαν, ἢ κατὰ αὐθεντίαν, ἢ ἀναφοράν, ἢ σχέσιν, ἢ δύναμιν, τὴν ἕνωσιν τοῦ θεοῦ λόγου πρὸς ἄνθρωπον γεγενῆσθαι, ἢ κατὰ εὐδοκίαν, ὡς ἀρεσθέντος τοῦ θεοῦ λόγου τοῦ ἀνθρώπου, ἀπὸ τοῦ εὖ καὶ καλῶς δόξαι αὐτῷ περὶ αὐτοῦ, καθὼς Θεόδωρος μαινόμενος λέγει, ἢ κατὰ ὁμωνυμίαν, καθ' ἣν οἱ Νεστοριανοὶ τὸν θεὸν λόγον Ἰησοῦν (perhaps *υἱὸν*) *καὶ Χρίστον καλοῦντες, καὶ τὸν ἄνθρωπον κεχωρισμένως Χριστὸν καὶ υἱὸν ὀνομάζοντες, καὶ δύο πρόσωπα προφανῶς λέγοντες, κατὰ μόνην τὴν προσηγορίαν καὶ τιμὴν καὶ ἀξίαν καὶ προσκύνησιν, καὶ ἓν πρόσωπον καὶ ἕνα Χριστὸν ὑποκρίνονται λέγειν· ἀλλ' οὐχ ὁμολογεῖ τὴν ἕνωσιν τοῦ θεοῦ λόγου πρὸς σάρκα ἐμψυχωμένην ψυχῇ λογικῇ καὶ νοερᾷ, κατὰ σύνθεσιν ἤγουν καθ' ὑπόστασιν γεγενῆσθαι, καθὼς οἱ ἅγιοι πατέρες ἐδίδαξαν· καὶ διὰ τοῦτο μίαν αὐτοῦ τὴν ὑπόστασιν, ὅ ἐστιν ὁ κύριος Ἰησοῦς Χριστὸς, εἷς τῆς ἁγίας τριάδος· ὁ τοιοῦτος ἀνάθεμα ἔστω· πολυτρόπως γὰρ νοουμενὴς τῆς ἑνώσεως, οἱ μὲν τῇ ἀσεβείᾳ Ἀπολλιναρίου καὶ Εὐτυχοῦς ἀκολουθοῦντες, τῷ ἀφανισμῷ τῶν συνελθόντων προκείμενοι, τὴν κατὰ σύγχυσιν τὴν ἕνωσιν πρεσβεύουσιν· οἱ δὲ τὰ Θεοδώρου καὶ Νεστορίου φρονοῦντες, τῇ διαιρέσει χαίροντες, σχετικὴν τῆν ἕνωσιν ἐπεισάγουσιν· ἡ μέντοι ἁγία τοῦ θεοῦ ἐκκλησία ἑκατέρας αἱρέσεως τὴν ἀσέβειαν ἀποβαλλομένη, τὴν ἕνωσιν τοῦ θεοῦ πρὸς τὴν σάρκα κατὰ σύνθεσιν ὁμολογεῖ, ὅπερ ἐστὶ καθ' ὑπόστασιν· ἡ γὰρ κατὰ σύνθεσιν ὁμολογεῖ, ὅπερ ἐστὶ καθ' ὑπόστασιν· ἡ γὰρ κατά σύνθεσιν ἕνωσις ἐπὶ τοῦ κατὰ Χριστὸν μυστηρίου, οὐ μόνον ἀσυγχύτα τὰ συνελθόντα διαφυλάττει, ἀλλ' οὐδὲ διαίρεσιν ἐπιδέχεται.*

If anyone says that the union of God the Word with

man has taken place only by grace, or by operation, or by equality of honour and distinction, or by a carrying up and condition (see No. 6), or by power, or by good pleasure, as though God the Word were pleased with man, from its seeming well and good to Him concerning him—as the raving Theodore says; or that it has taken place through the sameness of name, according to which the Nestorians call God the Word Jesus (Son) and Christ, and so name the man separately Christ and Son, and so clearly speak of two persons, and hypocritically speak of one person and of one Christ only according to designation, and honour, and dignity, and worship. But if anyone does not confess that the union of God the Word with the flesh enlivened by a reasonable and thinking soul, according to synthesis (combination), or according to hypostasis, as the holy Fathers said, and that therefore there is only one person, namely, the Lord Jesus Christ, one of the Holy Trinity, let him be anathema. As, however, the word union (*ἕνωσις*) is taken in different senses, those who follow the impiety of Apollinaris and Eutyches, assuming a disappearance of the natures which come together, teach a union by confusion; whilst the adherents of Nestorius and Theodore, rejoicing in the separation, introduce a merely relative union. The Holy Church of God, on the contrary, rejecting the impiety of both heresies, confesses the union of God the Word with the flesh by a combination, *i.e.* personally. For the union by combination (synthesis) not only preserves, in regard to the mystery of Christ, that which has come together (the two natures) unconfused, but allows of no separation (of the persons).

V.

Εἴ τις τὴν μίαν ὑπόστασιν τοῦ κυρίου ἡμῶν Ἰησοῦ Χριστοῦ οὑτῶς ἐκλαμβάνει, ὡς ἐπιδεχομένην πολλῶν ὑποστάσεων σημασίαν, καὶ διὰ τοῦτο εἰσάγειν ἐπιχειρεῖ ἐπὶ τοῦ κατὰ Χριστὸν μυστηρίου δύο ὑποστάσεις ἤτοι δύο πρόσωπα, καὶ τῶν παρ' αὐτοῦ εἰσαγομένων δύο προσώπων ἓν πρόσωπον λέγει κατὰ ἀξίαν καὶ τιμὴν καὶ προσκύνησιν, καθάπερ Θεόδωρος καὶ Νεστόριος μαινόμενοι συνεγράψαντο· καὶ συκοφαντεῖ τὴν

ἁγίαν ἐν Χαλκηδόνι σύνοδον, ὡς κατὰ ταύτην τὴν ἀσεβὴ ἔννοιαν χρησαμένην τῷ τῆς μίας ὑποστάσεως ῥήματι, ἀλλὰ μὴ ὁμολογεῖ τὸν τοῦ θεοῦ λόγον σαρκὶ καθ' ὑπόστασιν ἑνωθῆναι, καὶ διὰ τοῦτο μίαν αὐτοῦ τὴν ὑπόστασιν, ἤτοι ἓν πρόσωπον, οὕτως τε καὶ τὴν ἁγίαν ἐν Χαλκηδόνι σύνοδον μίαν ὑπόστασιν τοῦ κυρίου ἡμῶν Ἰησοῦ Χριστοῦ ὁμολογῆσαι· ὁ τοιοῦτος ἀνάθεμα ἔστω. Οὔτε γὰρ προσθήκην προσώπου ἤγουν ὑποστάσεως ἐπεδέξατο ἡ ἁγία τριὰς, καὶ σαρκωθέντος τοῦ ἑνὸς τῆς ἁγίας, τρίαδος θεοῦ λόγου.

If anyone so understands the expression, *one Hypostasis* of our Lord Jesus Christ, that thereby is meant the designation of the union of many hypostases, and hereby undertakes to introduce into the mystery of Christ two hypostases or two persons, and often having introduced two persons, speaks of one person according to dignity, honour, and worship, as Theodore and Nestorius in their madness maintained; and if any one slanders the holy Synod in Chalcedon, as though it had used the expression, one hypostasis, in this impious sense, and does not confess that the Word of God was personally united with flesh, and that therefore there is only one hypostasis or one person, as also the holy Synod in Chalcedon confessed one hypostasis of our Lord Jesus Christ,—let him be anathema! For the holy Trinity, when God the Word, one of the holy Trinity was incarnate, did not suffer the addition of a person or hypostasis.

VI.

Εἴ τις καταχρηστικῶς, ἀλλ' οὐκ ἀληθῶς, θεοτόκον λέγει τὴν ἁγίαν ἔνδοξον ἀειπαρθένον Μαρίαν, ἢ κατὰ ἀναφορὰν, ὡς ἀνθρώπου ψιλοῦ γεννηθέντος, ἀλλ' οὐχὶ τοῦ θεοῦ λόγου σαρκωθέντος (καὶ τῆς)[1] ἐξ αὐτῆς, ἀνάφερομένης δὲ (κατ' ἐκείνου) τῆς τοῦ ἀνθρώπου γεννήσεως ἐπὶ τὸν θεὸν λόγον, ὡς συνόντα τῷ ἀνθρώπῳ γενομένῳ· καὶ συκοφαντεῖ τὴν ἁγίαν ἐν

[1] Here and some words lower down the text is corrupt. The old Latin translator read *καὶ γεννηθέντος ἐξ αὐτῆς*, for he gives: "Et nato ex ipsa." Instead of the following *κατ' ἐκείνου*, he has: "Sicut illi (*sc.* Theodore and Nestorius) dicunt."

Χαλκηδόνι σύνοδον, ὡς κατὰ ταύτην τὴν ἀσεβῆ ἐπινοηθεῖσαν παρὰ Θεοδώρου ἔννοιαν θεοτόκον τὴν παρθένον εἰποῦσαν· ἢ εἴ τις ἀνθρωποτόκον αὐτὴν καλεῖ, ἢ Χριστοτόκον, ὡς τοῦ Χριστοῦ μὴ ὄντος θεοῦ, ἀλλὰ μὴ κυρίως καὶ κατ' ἀλήθειαν θεοτόκον αὐτὴν ὁμολογεῖ, διὰ τὸ τὸν πρὸ τῶν αἰώνων ἐκ τοῦ πατρὸς γεννηθέντα θεὸν λόγον ἐπ' ἐσχάτων τῶν ἡμερῶν ἐξ αὐτῆς σαρκωθῆναι, οὕτω τε εὐσεβῶς καὶ τὴν ἁγίαν ἐν Χαλκηδόνι σύνοδον θεοτόκον αὐτὴν ὁμολογῆσαι· ὁ τοιοῦτος ἀνάθεμα ἔστω.

If anyone says that the holy, glorious, ever-virgin Mary is called Godbearer by abuse and not truly, or by analogy, as though a mere man were born of her, and not as though God the Word were incarnate of her, but that the birth of a man were connected with God the Word, because He was united with the man born; and if anyone slanders the holy Synod of Chalcedon, as though, in accordance with this impious opinion held by Theodore, it called the virgin Godbearer; or, if anyone calls her manbearer or Christbearer, as though Christ were not God, and does not confess her as Godbearer, in the proper sense and in truth, because God the Word, who was begotten of the Father before all worlds, was incarnate of her in the last days; and (does not confess) that in this pious sense the holy Synod of Chalcedon confessed her to be Godbearer,—let him be anathema.

VII.

Εἴ τις ἐν δύο φύσεσι λέγων, μὴ ὡς ἐν θεότητι καὶ ἀνθρωπότητι τὸν ἕνα κύριον ἡμῶν Ἰησοῦν Χριστὸν γνωρίζεσθαι ὁμολογεῖ, ἵνα διὰ τούτου σημάνῃ τὴν διαφορὰν τῶν φύσεων, ἐξ ὧν ἀσυγχύτως ἡ ἄφραστος ἕνωσις γέγονεν, οὔτε τοῦ λόγου εἰς τὴν τῆς σαρκὸς μεταποιηθέντος φύσιν, οὔτε τῆς σαρκὸς πρὸς τοῦ λόγου φύσιν μεταχωρησάσης, — μένει γὰρ ἑκάτερον ὅπερ ἐστὶ τῇ φύσει, καὶ γενομένης τῆς ἑνώσεως καθ' ὑπόστασιν, —[1] *ἀλλ' ἐπὶ διαιρέσει τῇ ἀνὰ μέρος τὴν τοιαύτην λαμβάνει φωνὴν ἐπὶ τοῦ κατὰ Χριστὸν μυστηρίου, ἢ τὸν*

[1] The text in Mansi, t. ix. p. 381, is in this passage corrupt. I follow Hardouin and the text, as it is repeated in the Acts of the sixth Œcumenical Council. In Mansi, t. ix. p. 402; Hardouin, t. iii. pp. 207 and 1091.

ἀριθμὸν τῶν φύσεων ὁμολογῶν ἐπὶ τοῦ αὐτοῦ ἑνὸς κυρίου ἡμῶν Ἰησοῦ τοῦ θέου λόγου σαρκωθέντος, μὴ τῇ θεωρίᾳ μόνῃ τὴν διαφορὰν τούτων λαμβάνει, ἐξ ὧν καὶ συνετέθη, οὐκ ἀναιρουμένην διὰ τὴν ἕνωσιν, — εἷς γὰρ ἐξ ἀμφοῖν, καὶ δι' ἑνὸς ἀμφότερα — ἀλλ' ἐπὶ τούτῳ κέχρηται τῷ ἀριθμῷ, ὡς κεχωρισμένας καὶ ἰδιοϋποστάτους ἔχει τὰς φύσεις· ὁ τοιοῦτος ἀνάθεμα ἔστω.

If anyone, speaking of the two natures (see vol. iii. sec. 173), does not confess that he acknowledges in the Godhead and manhood the one Lord Jesus Christ, so that by this he signifies the difference of natures, of which the unspeakable union takes place without confusion, without the nature of the Word being changed into that of the flesh, nor that of the flesh into the nature of the Word—for each remains what it was in nature after the personal union has taken place—or who takes that expression in reference to the mystery of Christ in the sense of a separation into parts, or, confessing the two natures in relation to the one Lord Jesus, the incarnate Word of God, takes the difference of these of which HE was composed, but which is not destroyed by the union—for HE is one of both, and through one both—takes this difference not as an abstraction, but uses the duality in order to separate the natures, and to make them separate persons (hypostases), —let him be anathema.

VIII.

Εἴ τις ἐκ δύο φύσεων, θεότητος καὶ ἀνθρωπότητος, ὁμολογῶν τὴν ἕνωσιν γεγενῆσθαι, ἢ μίαν φύσιν τοῦ θεοῦ λόγου σεσαρκωμένην λέγων, μὴ οὕτως αὐτὰ λαμβάνῃ, καθάπερ καὶ οἱ ἅγιοι πατέρες ἐδίδαξαν, ὅτι ἐκ τῆς θείας φύσεως καὶ τῆς ἀνθρωπίνης, τῆς ἑνώσεως καθ' ὑπόστασιν γενομένης, εἷς Χριστὸς ἀπετελέσθη, ἀλλ' ἐκ τῶν τοιούτων φωνῶν μίαν φύσιν ἤτοι οὐσίαν, θεότητος καὶ σαρκὸς τοῦ Χριστοῦ εἰσάγειν ἐπιχειρεῖ ὁ τοιοῦτος ἀνάθεμα ἔστω. καθ' ὑπόστασιν γὰρ λέγοντες τὸν μονογενῆ λόγον ἡνῶσθαι, οὐκ ἀνάχυσιν τινα τὴν εἰς ἀλλήλους τῶν φύσεων πεπρᾶχθαι φαμέν· μενούσης δὲ μᾶλλον ἑκατέρας, ὅπερ ἐστὶν, ἡνῶσθαι σαρκὶ νοοῦμεν τὸν λόγον. διὸ καὶ εἷς ἐστιν ὁ Χριστος, θεος

καὶ ἄνθρωπος, ὁ αὐτὸς ὁμοούσιος τῷ πατρὶ κατὰ τὴν θεότητα, καὶ ὁμοούσιος ἡμῖν ὁ αὐτὸς κατὰ τὴν ἀνθρωπότητα. ἐπίσης γὰρ καὶ τοὺς ἀνὰ μέρος διαιροῦντας ἤτοι τέμνοντας, καὶ τοὺς συγχέοντας τὸ τῆς θείας οἰκονομίας μυστήριον τοῦ Χριστοῦ, ἀποστρέφεται καὶ ἀναθεματίζει ἡ τοῦ θεοῦ ἐκκλησία.

If anyone does not take the expressions, of two natures, the Godhead and the manhood, the union took place, or, the one incarnate nature of the Word, as the holy Fathers taught, that from the divine nature and the human, personal union having taken place, one Christ was constituted, but endeavours, by such expressions, to bring in one nature or essence of the Godhead and manhood of Christ, let him be anathema. For, when we say that the only-begotten Word was personally united, we do not say that a confusion of the natures with each other has taken place; but rather we think that, whilst each nature remains what it is, the Word has been united with the flesh. Therefore, also, there is one Christ, God and man, the same who is of one substance with the Father as to His Godhead, and of one substance with us as to His manhood. For the Church of God equally condemns and anathematises those who separate and cut asunder the mystery of the divine economy of Christ, and those who confess it. (See secs. 127, 158, 193, 269.)

IX.

Εἴ τις προσκυνεῖσθαι ἐν δυσὶ φύσεσι λέγει τὸν Χριστὸν, ἐξ οὗ δύο προσκυνήσεις εἰσάγονται, ἰδία τῷ θεῷ λόγῳ, καὶ ἰδία τῷ ἀνθρωπῷ· ἢ εἴ τις ἐπὶ ἀναιρέσει τῆς σαρκὸς, ἢ ἐπὶ συγχύσει τῆς θεότητος καὶ τῆς ἀνθρωπότητος, ἢ μίαν φύσιν ἤγουν οὐσίαν τῶν συνελθόντων τερατευόμενος, οὕτω προσκυνεῖ τὸν Χριστὸν, ἀλλ' οὐχὶ μίᾳ προσκυνήσει τὸν θεὸν λόγον σαρκωθέντα μετὰ τῆς ἰδίας αὐτοῦ σαρκὸς προσκυνεῖ, καθάπερ ἡ τοῦ θεοῦ ἐκκλησία παρέλαβεν ἐξ ἀρχῆς· ὁ τοιοῦτος ἀνάθεμα ἔστω.

If anyone says that Christ is to be worshipped in two natures, by which two kinds of worship are introduced, the one for God the Word, the other for the man; or if anyone, by taking away the flesh, or by confusion of the Godhead and manhood, or preserving only one nature or essence of those

which are united, thus worships Christ, and does not worship God made flesh together with His flesh with one worship, as the Church of God received from the beginning,—let him be anathema.

X.

Εἴ τις οὐχ ὁμολογεῖ, τὸν ἐσταυρωμένον σαρκί κύριον ἡμῶν Ἰησοῦν Χριστὸν εἶναι θεὸν ἀληθινὸν, καὶ κύριον τῆς δόξης, καὶ ἕνα τῆς ἁγίας τριάδος· ὁ τοιοῦτος ἀνάθεμα ἔστω.

If anyone does not confess that our Lord Jesus Christ crucified in the flesh is true God, and Lord of glory, and one of the Holy Trinity, let him be anathema.

XI.

Εἴ τις μὴ ἀναθεματίζει Ἄρειον, Εὐνόμιον, Μακεδόνιον, Ἀπολλινάριον, Νεστόριον, Εὐτυχέα, καὶ Ὠριγένην, μετὰ τῶν ἀσεβῶν αὐτῶν συγγραμμάτων, καὶ τοὺς ἄλλους πάντας αἱρετικοὺς τοὺς κατακριθέντας καὶ ἀναθεματισθέντας ὑπὸ τῆς ἁγίας καθολικῆς καὶ ἀποστολικῆς ἐκκλησίας, καὶ τῶν προειρημένων ἁγίων τεσσάρων συνόδων, καὶ τοῦς τὰ ὅμοια τῶν προειρημένων αἱρετικῶν φρονήσαντας ἢ φρονοῦντας, καὶ μέχρι τέλους τῇ οἰκείᾳ ἀσεβείᾳ ἐμμείναντας· ὁ τοιοῦτος ἀνάθεμα ἔστω.

If anyone does not anathematise Arius, Eunomius, Macedonius, Apollinaris, Nestorius, Eutyches, and Origen, together with their impious writings, and all other heretics condemned and anathematised by the Catholic and Apostolic Church and by the four holy Synods already mentioned, together with those who have been or are of the same mind with the heretics mentioned, and who remain till the end in their impiety, let him be anathema.

Halloix, Garnier, Basnage, Walch and others suppose, and Vincenzi maintains with great zeal, that the name of Origen is a later insertion in this anathematism, because (*a*) Theodore Ascidas, the Origenist, was one of the most influential members of the Synod, and would certainly have prevented a condemnation of Origen; further, (*b*) because in this anathematism only such heretics would be named as had

been condemned by one of the first four Œcumenical Synods, which was not the case with Origen; (*c*) because this anathematism is identical with the tenth in the ὁμολογία of the Emperor (sec. 263), but in the latter the name of Origen is lacking; and, finally, (*d*) because Origen does not belong to the group of heretics to whom this anathematism refers. His errors were quite different.[1]

All these considerations seem to me of insufficient strength, on mere conjecture, to make an alteration in the text, and arbitrarily to remove the name of Origen. As regards the objection in connection with Theodore Ascidas, it is known that the latter had already pronounced a formal anathema on Origen, and certainly he did the same this time, if the Emperor wished it or if it seemed advisable. The second and fourth objections have little weight. In regard to the third (*c*), it is quite possible that either the Emperor subsequently went further than in his ὁμολογία, or that the bishops at the fifth Synod, of their own accord, added Origen, led on perhaps by one or another anti-Origenist of their number. What, however, chiefly determines us to the retention of the text is—(*a*) that the copy of the synodal Acts extant in the Roman archives, which has the highest credibility, and was probably prepared for Vigilius himself, contains the name of Origen in the eleventh anathematism;[2] and (*b*) that the monks of the new Laura in Palestine, who are known to have been zealous Origenists, withdrew Church communion from the bishops of Palestine after these had subscribed the Acts of the fifth Synod.[3] In the anathema on the three chapters these Origenists could find as little ground for such a rupture as their friend and former colleague Ascidas: it could only be by the Synod attacking their darling Origen. (*c*) Finally, only on the ground that the name of Origen really stood in the eleventh anathematism, can we explain the widely-circulated ancient rumour that our Synod anathematised Origen and the Origenists. (See sec. 255 and 267.)

[1] Walch, *Ketzerhist.* Bd. viii. S. 284 ff.; Al. Vincenzi, in *S. Gregorii Nysseni et Origenis Scripta*, etc. (See sec. 267.)

[2] Noris, *l.c.* t. i. pp. 643, 642, 638 sqq.

[3] Cyrill. Scythopol., *Vita Sabæ*, c. 90. (See secs. 267 and 275.)

XII.

Εἴ τις ἀντιποιεῖται Θεοδώρου τοῦ ἀσεβοῦς, τοῦ Μοψουεστίας, τοῦ εἰπόντος, ἄλλον εἶναι τὸν θεὸν λόγον καὶ ἄλλον τὸν Χριστὸν ὑπὸ παθῶν ψυχῆς καὶ τῶν τῆς σαρκὸς ἐπιθυμιῶν ἐνοχλούμενον, καὶ τῶν χειρόνων κατὰ μικρὸν χωριζόμενον, καὶ οὕτως ἐκ προκοπῆς ἔργων βελτιωθέντα, καὶ ἐκ πολιτείας ἄμωμον καταστάντα, ὡς ψιλὸν ἄνθρωπον βαπτισθῆναι εἰς ὄνομα πατρὸς, καὶ υἱοῦ, καὶ ἁγίου πνεύματος, καὶ διὰ τοῦ βαπτίσματος τὴν χάριν τοῦ ἁγίου πνεύματος λάβειν, καὶ υἱοθεσίας ἀξιωθῆναι, καὶ κατ' ἰσότητα βασιλικῆς εἰκόνος εἰς πρόσωπον τοῦ θεοῦ λόγου προσκυνεῖσθαι, καὶ μετὰ τὴν ἀνάστασιν ἄτρεπτον ταῖς ἐννοίαις, καὶ ἀναμάρτητον παντελῶς γενέσθαι· καὶ πάλιν εἰρηκότος τοῦ αὐτοῦ ἀσεβοῦς Θεοδώρου, τὴν ἕνωσιν τοῦ θεοῦ λόγου πρὸς τὸν Χριστὸν τοιαύτην γεγενῆσθαι, οἵαν ὁ ἀπόστολος ἐπὶ ἀνδρὸς καὶ γυναικός· "ἔσονται οἱ δύο εἰς σαρκὰ μίαν" καὶ πρὸς ταῖς ἄλλαις ἀναριθμήτοις αὐτοῦ βλασφημίαις τολμήσαντος εἰπεῖν, ὅτι μετὰ τὴν ἀνάστασιν ἐμφυσησας ὁ κύριος τοῖς μαθηταῖς, καὶ εἰπών· "Λάβετε πνεῦμα ἅγιον," οὐδέδωκεν αὐτοῖς πνεῦμα ἅγιον, ἀλλὰ σχήματι μόνον ἐνεφύσησε· οὗτος δὲ καὶ τὴν ὁμολογίαν Θωμᾶ, τὴν ἐπὶ τῇ ψηλαφήσει τῶν χειρῶν καὶ τῆς πλευρᾶς τοῦ κυρίου μετὰ τὴν ἀνάστασιν, τὸ "ὁ κύριος μου καὶ ὁ θεὸς μου" εἶπε, μὴ εἰρῆσθαι περὶ τοῦ Χριστοῦ παρὰ τοῦ Θωμᾶ, ἀλλ' ἐπὶ τῷ παραδόξῳ τῆς ἀναστάσεως ἐκπλαγέντα τὸν Θωμᾶν ὑμνῆσαι τὸν θεὸν, τὸν ἐγείραντα τὸν Χριστόν· τὸ δὲ χεῖρον, καὶ ἐν τῇ τῶν πράξεων τῶν ἀποστόλων γενομένῃ παρ' αὐτοῦ δῆθεν ἑρμηνείᾳ, συγκρίνων ὁ αὐτὸς Θεόδωρος τὸν Χριστὸν Πλάτωνι, καὶ Μανιχαίῳ, καὶ Ἐπικούρῳ, καὶ Μαρκίωνι, λέγει ὅτι ὥσπερ ἐκείνων ἕκαστος εὑράμενος οἰκεῖον δόγμα, τοὺς αὐτῷ μαθητεύσαντας πεποίηκε καλεῖσθαι Πλατωνικοὺς, καὶ Μανιχαίους, καὶ Ἐπικουρείους, καὶ Μαρκιονιστὰς, τὸν ὅμοιον τρόπον καὶ τοῦ Χριστοῦ εὑραμένου δόγμα, ἐξ αὐτοῦ χριστιανοὺς καλεῖσθαι· Εἴ τις τοίνυν ἀντιποιεῖται τοῦ εἰρημένου ἀσεβεστάτου Θεοδώρου καὶ τῶν ἀσεβῶν αὐτοῦ συγγραμμάτων, ἐν οἷς τάς τε εἰρημένας καὶ ἄλλας ἀναριθμήτους βλασφημίας ἐξέχεε κατὰ τοῦ μεγάλου θεοῦ καὶ σωτῆρος ἡμῶν Ἰησοῦ Χριστοῦ· ἀλλὰ μὴ ἀναθεματίζει αὐτὸν καὶ τὰ ἀσεβῆ αὐτοῦ συγγράμματα, καὶ πάντας τοὺς δεχομένους ἢ καὶ ἐκδικοῦντας αὐτὸν, ἢ λέγοντας, ὀρθοδόξως

αὐτὸν ἐκθέσθαι, καὶ τοὺς γράψαντας ὑπὲρ αὐτοῦ καὶ τῶν ἀσεβῶν αὐτοῦ συγγραμμάτων, καὶ τοῦς τὰ ὅμοια φρονοῦντας ἢ φρονησαντας πώποτε, καὶ μέχρι τέλους ἐμμείναντας τῇ τοιαύτῃ αἱρέσει· ἀνάθεμα ἔστω.

If anyone defends the impious Theodore of Mopsuestia, who says (*a*) God the Word is one, and another is Christ who was troubled with sufferings of the soul and desires of the flesh, and who by degrees raised himself from that which was more imperfect, and by progress in good works and by his way of life became blameless; and further, that as mere man he was baptized into the name of the Father, and of the Son, and of the Holy Ghost, and through baptism received the grace of the Holy Spirit, and was deemed worthy of sonship, and was worshipped with reference to the person of God the Word, like the image of an emperor, and that (only) after the resurrection he became unchangeable in his thoughts and completely sinless; and (*b*) again, as the same impious Theodore says, the union of God the Word with Christ was of such a nature as the apostle says there is between man and wife: "they two shall be one flesh"; and (*c*) among other blasphemies, dared to say that, when the Lord, after the resurrection, breathed upon His disciples, saying, "Receive the Holy Ghost," He did not give them the Holy Ghost, but only breathed upon them as a sign; (*d*) and again, that the confession of Thomas, on touching the hands and the side of the Lord after the resurrection, "My Lord and my God," was not spoken concerning Christ by Thomas, but that, astonished at the miracle of the resurrection, Thomas praised God who raised Christ; (*e*) and what is still worse, in his exposition of the Acts of the Apostles, Theodore compares Christ with Plato, Manichæus, Epicurus, and Marcion, and says that, as each of these devised his own doctrine and gave to his disciples the name of Platonists, Manichæans, Epicureans, and Marcionists, in the same manner, when Christ also devised a doctrine, after Him they were called Christians.—If anyone, then, defends the forenamed most impious Theodore and his impious writings, in which he poured out the above-mentioned and other countless blasphemies against the great God, our Saviour Jesus Christ, and

does not anathematise him and his impious writings, and all who adhere to him, or defend him, or say that he has given an orthodox interpretation, or who have written in defence of him and his impious writings; and who think or have ever thought the same, and remained to the end in this heresy,—let him be anathema.

XIII.

Εἴ τις ἀντιποιεῖται τῶν ἀσεβῶν συγγραμμάτων Θεοδωρίτου, τῶν κατὰ τῆς ἀληθοῦς πίστεως, καὶ τῆς ἐν Ἐφέσῳ πρώτης καὶ ἁγίας συνόδου, καὶ τοῦ ἐν ἁγίοις Κυρίλλου, καὶ τῶν ιβ' αὐτοῦ κεφαλαίων, καὶ πάντων ὧν συνεγράψατο ὑπὲρ Θεοδώρου καὶ Νεστορίου, τῶν δυσσεβῶν, καὶ ὑπὲρ ἄλλων τῶν τὰ αὐτὰ τοῖς προειρημένοις Θεοδώρῳ καὶ Νεστορίῳ φρονούντων, καὶ δεχομένων αὐτοὺς καὶ τὴν αὐτῶν ἀσέβειαν, καὶ δι' αὐτῶν ἀσεβεῖς καλεῖ τοὺς τῆς ἐκκλησιάς διδάσκαλους, τοὺς καθ' ὑπόστασιν τὴν ἕνωσιν τοῦ θεοῦ λόγου φρονοῦντας καὶ ὁμολογοῦντας· καὶ εἴπερ οὐκ ἀναθεματίζει τὰ εἰρημένα ἀσεβῆ συγγράμματα, καὶ τοὺς τὰ ὅμοια τούτοις φρονήσαντας ἢ φρονοῦντας, καὶ πάντας δὲ τοὺς γράψαντας κατὰ τῆς ὀρθῆς πίστεως, ἢ τοῦ ἐν ἁγίοις Κυρίλλου, καὶ τῶν δώδεκα αὐτοῦ κεφαλαίων, καὶ ἐν τοιαύτῃ ἀσεβείᾳ τελευτήσαντος· ὁ τοιοῦτος ἀνάθεμα ἔστω.

If anyone defends the impious writings of Theodoret which are directed against the true faith, and against the first and holy Synod of Ephesus, and against the holy Cyril and his twelve chapters, and (defends) all that he wrote in defence of Theodore and Nestorius, the impious ones, and others who think the like with those named, with Theodore and Nestorius, and receive them and their impiety, and for their sakes calls the teachers of the Church impious, who maintain and confess the hypostatic union of God the Word; and if he does not anathematise the impious writings named, and those who thought and think the like, and all who have written against the true faith or the holy Cyril and his twelve chapters, and have persevered in such impiety,—let him be anathema.

XIV.

Εἴ τις ἀντιποιεῖται τῆς ἐπιστολῆς τῆς λεγομένης παρὰ Ἴβα

γεγράφθαι πρὸς Μάρην τὸν Πέρσην, τῆς ἀρνουμένης μὲν τὸν θεὸν λόγον ἐκ τῆς ἁγίας θεοτόκου καὶ ἀειπαθένου Μαρίας σαρκωθέντα ἄνθρωπον γεγενῆσθαι, λεγούσης δὲ ψιλὸν ἄνθρωπον ἐξ αὐτῆς γενηθῆναι, ὃν ναὸν ἀποκαλεῖ, ὡς ἄλλον εἶναι τὸν θεόν λόγον καὶ ἄλλον τὸν ἄνθρωπον· καὶ τὸν ἐν ἁγίοις Κύριλλον τὴν ὀρθὴν τῶν Χρισπανῶν πίστιν κηρύξαντα διαβαλλούσης ὡς αἱρετικὸν, καὶ ὁμοίως Ἀπολλιναρίῳ τῷ δυσσεβεῖ γράψαντα· καὶ μεμφομένης τὴν ἐν Ἐφέσῳ πρώτην ἁγίαν σύνοδον, ὡς χωρὶς κρίσεως καὶ ζητήσεως Νεστόριον καθελοῦσαν· καὶ τὰ δώδεκα κεφάλαια τοῦ ἐν ἁγίοις Κυρίλλου ἀσεβῆ καὶ ἐναντία τῇ ὀρθῇ πίστει ἀποκαλεῖ ἡ αὐτῆ ἀσεβὴς ἐπιστολὴ, καὶ ἐκδικεῖ Θεόδωρον καὶ Νεστόριον καὶ τὰ ἀσεβῆ αὐτῶν δόγματα καὶ συγγράμματα· εἴ τις τοίνυν τῆς εἰρημένης ἐπιστολῆς ἀντιποιεῖται, καὶ μὴ ἀναθεματίζει αὐτὴν καὶ τοὺς ἀντιποιουμένους αὐτῆς, καὶ λέγοντας αὐτὴν ὀρθὴν εἶναι, ἢ μέρος αὐτῆς, καὶ γράψαντας καὶ γράφοντας ὕπερ αὐτῆς ἢ τῶν περιεχομένων αὐτῇ ἀσεβειῶν, καὶ τολμῶντας ταύτην ἐκδικεῖν, ἢ τὰς περιεχομένας αὐτῇ ἀσεβείας ὀνόματι τῶν ἁγίων πατέρων, ἢ τῆς ἁγίας ἐν Χαλκηδόνι συνόδου, καὶ τούτοις μέχρι τέλους ἐμμείναντας· ὁ τοιοῦτος ἀνάθεμα ἔστω.

If anyone defends the letter which Ibas is said to have written to Maris the Persian, in which it is denied that God the Word became flesh and man of the holy Godbearer and ever-virgin Mary, and in which it is maintained that he was born of her a mere man, called the temple; and that God the Word is one and the man is another; and in which the holy Cyril who proclaimed the true faith of Christ is accused as a heretic, and as if he had written the same as the impious Apollinaris; and in which the first holy Synod of Ephesus is censured, as though it had condemned Nestorius without examination and trial; and the twelve chapters of the holy Cyril called impious and opposed to the true faith, and Theodore and Nestorius and their impious doctrines and writings defended; if anyone defends the letter in question, and does not anathematise it, together with those who defend it, and say that it is right, or a part of it, and who have written or do write in defence of it or of the impieties contained in it, and venture to defend it or the impieties contained in it by the name of holy Fathers or of the holy Synod

of Chalcedon, and persevere therein to the end,—let him be anathema.

In the appendix to these fourteen anathematisms, the Synod declares that, "if anyone ventures to deliver, or to teach, or to write anything in opposition to our pious ordinances, if he is bishop or cleric, he shall lose his bishopric or office; if he is a monk or layman, he shall be anathematised." All the bishops present subscribed, the Patriarch Eutychius of Constantinople first, altogether 164 members, among them eight Africans. It is nowhere indicated that any debates took place over the plan.

That the fifteen anathematisms against Origen, ascribed to the fifth Synod, do not belong to it, but to an earlier assembly, has already been shown in sec. 257.

CHAPTER III.

RECOGNITION OF THE FIFTH ŒCUMENICAL SYNOD AND FURTHER COURSE OF THE CONTROVERSY ON THE THREE CHAPTERS.

SEC. 275. *Synod at Jerusalem*, A.D. 553. *The Emperor endeavours to compel the recognition of the Fifth Synod.*

IT is beyond question that the Emperor did not fail solemnly to confirm the decrees of the Synod in a special edict. As, however, no document of that kind has come down to us, Walch supposed (Bd. viii. S. 297) that such an edict would be superfluous, and would therefore not be issued, especially as Justinian, in his earlier edicts, had most clearly pronounced his will in this matter. But the formal order and the practice of the Byzantine Government required a formal document of confirmation, and Zonaras († 1118) says, in his *Annals*: "The Emperor confirmed what the holy Fathers, from love to God, had decreed."[1] Besides this, we learn from Cyril of Scythopolis, who was a contemporary of our Synod, that the Emperor himself sent the synodal Acts into the provinces, in order that they might be subscribed by the bishops who had come to Constantinople.

In all the Greek and Oriental parts of the empire this was done almost without any opposition; and the same Cyril speaks (*l.c.*) particularly of an assembly or Synod of the bishops of Palestine at Jerusalem, probably A.D. 553, which had received and confirmed with hand and mouth the decrees of the fifth Council collectively. Alexander of Abyla alone had spoken against it, and had therefore been deposed. Finally, Cyril of Scythopolis speaks also of the monks of the new

[1] Zonaræ *Annales*, lib. xiv. c. 8, ed. Du Cange, Paris 1686; t. ii. p. 68, ed. Paris; p. 53, ed. Venet.

Laura in Palestine who had now broken off Church communion with the bishops of Palestine, and for this reason had been driven from the country by the imperial general Anastasius (A.D. 554). We have already referred to this passage as making it probable that the name of Origen was really contained in the eleventh anathematism of the fifth Synod (sec. 274).

Of any further opposition to this Synod we find no trace in the East; but the hope was not fulfilled which the Emperor had cherished, that now many Monophysites would unite with the Church. That this did not take place we are told most distinctly by Leontius of Byzantium.[1] It was worse in the West; since here the fifth Synod, instead of reuniting the separatists to the Church, divided the orthodox among themselves. To prevent this, the Emperor, for the most part, employed violent measures, and sometimes milder ones. The Roman deacon Rusticus and the African Abbot Felix, these old opponents of the anathema on the three chapters, who were then still at Constantinople, published immediately a writing against the decrees of the fifth Synod, but were immediately banished, together with their friends, to the Thebaïd in Egypt. Bishop Victor of Tununum, who relates this, and who also was a vehement opponent of the fifth Synod, adds: "As a punishment for this banishment, etc., the city of Constantinople was immediately afterwards visited by a violent earthquake by which many altars were thrown down."[2] Here the earthquake appears as a punishment for the *reception* of the fifth Synod; whilst Cyril of Scythopolis (*l.c.*) indicates that Bishop Alexander of Abyla was killed by that earthquake at Constantinople because he *refused* to recognise the fifth Synod.

Further on Victor of Tununum remarks (*ad ann.* 557) that Abbot Felix was banished to Sinope and there died A.D. 557.[3] Of Facundus of Hermione, the greatest of all the

[1] Leontius Byzant. *De sectis Act.* vi. in the *Biblioth. Patrum*, Lugdun. t. ix. p. 669; Walch, *Ketzerhist.* Bd. viii. S. 315.

[2] Victor. Tunun. *Chron. ad ann.* 553, in Galland. *Biblioth. Patrum*, t. xii. p. 231.

[3] On the chronology of Victor of Tununum, see sec. 146 in vol. iii.

defenders of the three chapters, he gives us here no information; but we see, from his own book *ad Mocianum*, that, at an earlier period, so long as the *nefandum Judicatum*, as he calls it, was in force, and thus even before the opening of the fifth Synod, he had betaken himself to a secret hiding-place, in order to escape from the snares of his enemies.[1]

Sec. 276. *Pope Vigilius confirms the Fifth Synod.*

It is probable that the Pope and the bishops who were faithful to him, and were about him in Constantinople, suffered the punishment of exile.[2] That the Emperor had demanded, even during the fifth Synod, that the name of Vigilius should be struck from the diptychs, we have already seen; and we found it probable that the edict in reference to this was published generally on July 14, 553. About the same time occurred what Anastasius and the author of the additions to the *Chronicle* of Marcellinus relate, that Vigilius and his clergy were banished into different places, and that they had been condemned to labour in the mines.[3] As particular places of their exile, Anastasius mentions the city of Gypsus in Upper Egypt, and Proconnesus, an island in the Propontis. But, he proceeds, after the imperial general Narses had freed the city of Rome from the Goths, the Roman clergy petitioned for the liberation and return of their bishop and their colleagues, and the Emperor agreed.[4]

The liberation, however, was dependent upon the condition that Vigilius would recognise the fifth Synod; and he did so, as in the meantime he had come to the conviction, certainly a right one, that the Council of Chalcedon was thereby in no ways infringed upon. Let us consider only what took place at Chalcedon and at Constantinople in the fifth Synod. In the first place, as regards Theodore of Mopsuestia, there could be here, in fact, no contradiction between

[1] In Galland. *l.c.* t. xi. pp. 811–816.

[2] Cardinal Noris (t. i. p. 669) contests this without adequate reason. So the Ballerini, *l.c.* t. iv. p. 962.

[3] This is contested by Noris, *l.c.* p. 677.

[4] Anastasii *Vitæ Pontif. Roman.* sec. 107 sq. t. iii. p. 290 sq.; ed. Bianchini and Marcellini, *Chronic.* in Scaliger, *Thesaur. temp.* p. 57.

the fourth and fifth Œcumenical Synods, since the former said nothing whatever about him. To say that one who was dead must not be anathematised, however, was an idle contention, contradictory to history and to the nature of the case, so that in this the defenders of the fifth Council had easy work.

More plausible was the objection in regard to Theodoret and Ibas; but this, too, was easily set aside. Theodoret and Ibas were suspected of Nestorianism, and it was therefore demanded, at Chalcedon, that they should pronounce anathema on Nestorius and his heresies. They did so, and were restored to their bishoprics. But by this means no approval was expressed on their earlier proceedings and their earlier writings, particularly on what they had done before the union with Cyril. On the contrary, the demand for a strict and frank anathema on Nestorius (vol. iii. secs. 195, 196) was a consequence of the doubts which the past of these men instilled. And on this past alone did the fifth Council pronounce a judgment, without in the least contesting the sentence of Chalcedon and the restoration of the two men. They did at Constantinople what they could have done at Chalcedon, without doing anything in the least contradictory. Moreover, the judgment of the fifth Synod was objectively well founded, as we have seen (sec. 258), and the most that could be said was that it was in contradiction with the opinion of some few members at Chalcedon. This doubt also disappeared when it was considered, as has been done above (sec. 258), that the letter, from one point of view, might be a testimony that Ibas had, in the ground of his heart, no heretical opinions, at least since the union; whilst to others it appeared in a more favourable light. But only few then made these distinctions so quietly. The enemies of the fifth Synod persisted in the old exaggerated contention that the Council of Chalcedon had approved of the letter of Ibas, and the like; whilst the others thought to remove all difficulties by the assertion (*a*) that Ibas had never acknowledged the letter as his, and had rejected it at Chalcedon; and (*b*) that those few supporters at Chalcedon, who seem to have commended the letter, could not weigh in the scale

against the judgment of the whole Synod, which had demanded from Ibas an anathema upon all Nestorianism, and so also on that contained in the letter (sec. 270).

This style of argument used by the friends of the fifth Synod was now accepted by Vigilius; but he went a good deal further, to a very bold argument, as we see particularly from the second of those documents which we have now to consider.

That Pope Vigilius had given his assent to the fifth Synod sometime after its close, has long been known from Evagrius and Photius,[1] and from the Acts of the sixth Œcumenical Synod, eighteenth session. In the seventeenth century, however, Peter de Marca and Baluze discovered the two edicts in which the Pope expressed this assent.[2] The first of these documents, discovered by Peter de Marca in a codex in the Royal Library in Paris, is addressed to the Patriarch Eutychius of Constantinople, and dated December 8, 553.[3] We see from this that more than seven months had passed since the end of the Synod when Vigilius arrived at his new resolve. Here he says: "The enemy of the human race, who sows discord everywhere, had separated him from his colleagues, the bishops assembled in Constantinople. But Christ had removed the darkness again from his spirit, and had again united the Church of the whole world. . . . There was no shame in confessing and

[1] Evagrius, *Hist. Eccles.* lib. iv. c. 38; Photius, *De Synodis*, in his first letter to the Bulgarian Prince Michael, in Mansi, t. ix. p. 655; Hardouin, t. v. p. 1471.

[2] They are reprinted in Mansi, t. ix. pp. 414–420, and pp. 457–488; Hardouin, t. iii. p. 213 sqq. and p. 217 sqq. On these documents, their history and genuineness, cf. Marca's dissertation on the first of them, in his *De concordia sacerdotii et imperii*, in the appendix, p. 207 sqq., ed. Francof. 1708; and in Mansi, t. ix. p. 419 sqq. Further, Noris, *De Synodo V.*, in the Ballerini edition of his works, t. i. p. 667 sq.; and Walch, *Ketzerhist.* Bd. viii. S. 310. Garnier (*De quinta Synodo*, in Schulze's edition of the works of Theodoret, t. v. p. 587) endeavours to throw suspicion upon the first of these two papal documents (he could not do so with the second); but the Ballerini (in Noris, *Opp.* t. iv. p. 1042 sq.) opposed him, and recognised the genuineness of both these newly discovered documents. So also Pagi, *ad ann.* 554, n. 4.

[3] Like other letters of Vigilius, this was originally composed in Latin, and the Greek, which alone we now possess, is probably the official translation made at the very first for the Greeks. The Latin, which now stands beside the Greek, is Marca's own version.

recalling a previous error; this had been done by Augustine in his *Retractations*. He, too, following this and other examples, had never ceased to institute further inquiries on the matter of the three chapters in the writings of the Fathers. Thus he had found that Theodore of Mopsuestia had taught error, and therefore had been opposed in the writings of the Fathers (here he inserts several heretical expressions of Theodore, almost verbally taken from the twelfth anathematism of the Synod, sec. 274). The whole Church must now know that he rightly ordained the following: We condemn and anathematise, together with all the heretics who have been already condemned and anathematised at the four holy Synods and by the Catholic Church, also Theodore, formerly bishop of Mopsuestia, and his impious writings; also that which Theodoret impiously wrote against the right faith, against the twelve anathematisms of Cyril, against the first Synod of Ephesus, and in defence of Theodore and Nestorius. Moreover, we anathematise and condemn also the impious letter, etc. (here are the very same words which the Synod employed in their sentence, sec. 274). Finally, we subject to the same anathema all who believe that the three chapters referred to could at any time be approved or defended, or who venture to oppose the present anathema. Those, on the contrary, who have condemned, or do condemn, the three chapters, we hold for brethren and fellow-priests. Whatever we ourselves or others have done in defence of the three chapters we declare invalid. Far be it from anyone to say that the before-mentioned blasphemies (from the books of Theodore and Theodoret, etc.), or those who teach the like, have been approved by the four holy Synods, or by one of them. On the contrary, it is well known that no one who was in anyway under suspicion was received by the Fathers named, especially by the holy Synod of Chalcedon, unless he first had anathematised the said blasphemies, or the heresy of which he was suspected."[1]

The second document, discovered by Baluze in the Colbert Library, dated February 23, 554, is in Latin, and has no superscription, and the beginning is also wanting. It bears

[1] Cf. on this document, Walch, *Ketzerhist.* Bd. viii. S. 103, 302, 321.

the title "Vigilii Papæ Constitutum de damnatione trium capitulorum" (thus the second *Constitutum*), was perhaps addressed to the bishops of the West, and at great length took in hand to set aside their doubts of the condemnation of the three chapters. After a repetition of the confessions of faith from the Acts of Chalcedon, etc., it begins with the words: "After putting before you the declaration of faith of Chalcedon, and the letter of Leo on the true faith, and you and the whole Church see that I abide by this faith, I hold it necessary also to discuss the matter of the three chapters, and to decide it by provident promulgation of the sentence."

Vigilius next relates the historical facts in connection with Ibas, and then endeavours to show that the letter to Maris, ascribed to him, had never been approved by the Synod of Chalcedon; but, on the contrary, that its contents stood in contradiction to the teaching of the Council. But the letter was only falsely ascribed to Ibas. He had decidedly disavowed it, and shown that, like other things, it had been foisted upon him by the Eutychians.[1]

Here Vigilius evidently goes too far, and maintains more decidedly than other friends of the Synod the spuriousness of the letter to Maris, although in the Acts of the Council

[1] In particular, Vigilius brings out—(*a*) Ibas declared that the Eutychians foisted spurious writings upon him; (*b*) he declared the Nestorianising doctrines with which his accusers reproached him, foreign to him, and yet these were similar (?) statements to those in the letter to Maris; (*c*) if Ibas had been able to invalidate all the other accusations of heretical teachings, yet the accusation would of necessity have remained correct, on account of the letter alone, if he was its author; (*d*) the anathema on Nestorius and his teaching, which Ibas accepted, contradicts the contents of the letter to Maris (?); (*e*) the earlier *Judices* at Berytus and Tyre said that Ibas was not convicted; but he would have been so if he had acknowledged the letter, for his accusers reproached him there exactly (?) with that which the letter contains; (*f*) Ibas himself says that, after the union, he no longer declared Cyril to be a heretic; but the letter was written after the union, and Cyril is, in it, called a heretic; so that the letter cannot be from Ibas (this argument is invalid, for it is not said in the letter that Cyril *is* a heretic, but that *formerly* he taught Apollinarianism); (*g*) Ibas, after the reading of the letter to Maris, demanded that now the letter of the clergy of Edessa should be read, in order to show that that letter was not from him (Vigilius brings this into the Acts); (*h*) Ibas, immediately after the reading of the letter to Maris at Chalcedon, said: "Alienus sum ab his, quæ mihi illata sunt"; by which he meant the letter (not the accusations in general).

of Chalcedon the letter is quite distinctly ascribed to Ibas (*Concil. Chalced.* Sess. x., in Mansi, t. vii. p. 242, and Hardouin, t. ii. p. 527); and Ibas, at and after its reading, said not a syllable against its genuineness, although that would have been very much in his favour. But Vigilius goes still further, and tries to show that even those testimonies (*vota*) of the papal legates at Chalcedon, and of Bishop Maximus of Antioch, were not adduced by the defenders of the three chapters. The *votum* of the papal envoy ran: "Relecta enim ejus epistola agnovimus, eum (Ibam) esse Orthodoxum"; but by this *epistola ejus* we must not understand the letter to Maris, but the letter drawn up by the clergy of Edessa in favour of Ibas. This was read last at Chalcedon, immediately before the voting, and could be called the *epistola* of Ibas, since Ibas presented this document in his favour. It is quite customary for anyone to say of the documents on which he supports his cause: "Those are my documents."

Even the testimony of Maximus, which points still more decisively to the letter to Maris, Vigilius would invalidate. On this he says: *καὶ ἐκ τοῦ ἀναγνωσθέντος δὲ ἀντιγράφου τῆς ἐπιστολῆς, τοῦ προσκομισθέντος παρὰ τοῦ ἀντιδίκου αὐτοῦ, ὀρθόδοξος ὤφθη αὐτοῦ ἡ ὑπαγορία, i.e.* "Even from the reading of the copy, the letter brought forward by his opponent, the orthodoxy of his meaning was seen." As, in fact, the opponent of Ibas brought forward the letter to Maris in support of his accusation, but had willingly passed over in silence the letter of the clergy of Edessa in favour of Ibas, so that Ibas had to demand that it should be read; so it is probable that we should here think not of this, but of the letter to Maris. But Vigilius answered: All that was read at Chalcedon in reference to Ibas was taken from the minutes of the earlier transactions at Tyre and Berytus. These minutes the opponent of Ibas had brought complete, and therefore it could be said, also the letter of the Edessenes, although possibly kept back by him, yet by him *πρὸςκομισθέν*, since he had actually brought it. Here Vigilius attempted a kind of argument in favour of the fifth Synod which none had ventured upon before him. Much more timidily had

the bishops of the fifth Synod stepped on this point when they said "the voices of some few bishops were not decisive" (see 271); and again: "Since all the members of the Synod of Chalcedon demanded that Ibas should anathematise Nestorius, whom that letter defended, they showed that they held as invalid what one or two had said in favour of that letter; and these, too, had united with the others." Indeed Vigilius himself had said in his first *Constitutum*: "It was clear that the legates of the apostolic see regarded Ibas as orthodox after the reading of his letter to Maris, and that Maximus of Antioch had declared that from this letter read the catholic confession of Ibas was clear; and the other bishops had not only not contradicted, but evidently had agreed." He now maintained the direct opposite of his earlier contention.

He further, in the new edict, pronounces a full anathema on the letter in question, and on all who maintain that it was declared orthodox by anyone at Chalcedon; he then proceeds to Theodore of Mopsuestia, whom, together with the writings of Theodoret against Cyril, he declares worthy of condemnation, and finally closes with an anathema on all the three chapters together, on their defenders, and on everyone who should maintain that that letter was declared to be orthodox by the Synod of Chalcedon, or by any member of it.[1]

Sec. 277. *Many Westerns refuse to recognise the Fifth Synod.*

After publishing these writings, Vigilius made return from Constantinople to Rome, probably in the summer of 554; but fell sick on the way, in Sicily, of pains in the stone, and died at Syracuse towards the end of the year 554, or in January of 555. His body was conveyed to Rome, and, as Anastasius relates, was entombed in the Church of S. Marcellus on the Salarian Way.[2] His successor was his previous deacon Pelagius I. (from April 555 to March 560),

[1] Mansi, t. ix. pp. 457–488; Hardouin, t. iii. pp. 217–254.

[2] Cf. Walch, *l.c.* S. 306 and 324. On the year of the death of Vigilius, cf. Noris, *De synodo V.* in the Ballerini edition of his works, t. i. pp. 668 and 673; and Pagi, *ad ann.* 555, n. 7. Victor of Tununum gives the year of the return of Vigilius incorrectly as 557.

whom we have seen peculiarly active as papal representative in Constantinople at the anathematising of Origen. He had also subscribed the *Constitutum* in which Vigilius declared himself *for* the three chapters, and had been at Constantinople in the train of the Pope. At an earlier period, moreover, he seems to have been of a different mind, on which account Justinian intended to raise him to the Roman see in place of Vigilius, if Anastasius tells the truth.[1] The Pope's compliance, however, altered the case. But Pelagius came under suspicion, as though he had acted in a faithless manner towards Vigilius, and occasioned much of his oppression by the Emperor, on which account most of the bishops of Italy and very many clergy and laity of Rome withdrew at first from his Church communion, so that only two bishops were present at his consecration, who ordained him with the assistance of a priest. He therefore found it necessary, immediately on his entering upon his office, solemnly to defend and purge himself in S. Peter's Church in Rome.[2]

In spite of this, that both Vigilius and his successor recognised the fifth Œcumenical Synod, many Westerns still persisted in their opposition. Probably about this time a number of bishops addressed a memorial to the Emperor Justinian, in which they declared, in vigorous language, the condemnation of the three chapters as invalid, and said that the intention had been thereby to give satisfaction to the Monophysites. To which province these bishops belonged is not known, as their memorial itself is lost, and we now possess only the extensive and harsh reply of the Emperor, which has no special address, which was discovered, in the last century, in the Medicean Library at Florence.[3] That it was bishops from whom the memorial proceeded we see from the beginning of the answer, in which it is said that they had

[1] Noris (*l.c.* p. 677) attempts to show that it was later, only after the death of Vigilius, that Pelagius was recalled from exile, and anathematised the three chapters. But Noris has Anastasius against him.

[2] Anastasii *Vitæ Pontificum*, *l.c.* sec. 109, p. 292, t. iii. Noris (*l.c.* p. 677 sq.) thinks Pelagius defended himself, not against the suspicion of faithlessness to Vigilius, but against the reproach that he had violated orthodoxy by condemning the three chapters.

[3] Reprinted by Mansi, t. ix. pp. 589–646; wanting in Hardouin.

separated themselves from the other bishops, and in proud presumption had compared themselves with the apostles. The Emperor then meets all their doubts as to the anathema on the three chapters, and shows at length that the condemnation of them was fully justified, and in noway infringed upon the Council of Chalcedon. (Much is here borrowed from the earlier edict of the Emperor, the *ὁμολογία πίστεως*.) The Emperor, further, finds much in the memorial of the bishops which is even directly heretical, and especially finds fault with the statement that the anathematisms of Cyril are obscure, and first received the true light through the letter of Ibas. The Emperor speaks also of an impious teacher, who misleads the authors of the memorial, and has circulated heresy in a locality where previously no heretic had set his foot. If, however, he concludes, the bishops, in their memorial, gave him counsels as to what answers he should give to the Egyptians (Egypt was the chief seat of the Monophysites), they should before everything reform themselves; but to satisfy them, the Emperor would have to make the Egyptians into Nestorians and Theodorians.

Perhaps this answer and that memorial may be connected with an occurrence which Victor of Tununum relates, that, in the year 554 or 555, Frontinus, metropolitan of Salona in Dalmatia, was cited to Constantinople for defending the three chapters, and was banished to the Thebaïd; and that Peter had been ordained in his place by the heretics.[1] By the heretics Victor, the martyr for the three chapters, understands the adherents of the fifth Synod, and there is no difficulty in assuming that the bishops of *Illyricum occidentale*, under the presidency of Frontinus, had sent out that memorial to the Emperor, and that therefore their metropolitan, styled "the impious teacher" in the answer of the Emperor, had been exiled. We have already heard of the zeal of the Illyrians and Dalmatians *for* the three chapters[2] (secs. 261 and 262).

When Vigilius gave his assent to the fifth Synod almost

1 Victor. Tunun. *Chron. ad ann.* 554, in Galland. *Biblioth.* t. xii. p. 231.

2 Walch, *Ketzerhist.* Bd. viii. S. 76 f., thought that the memorial proceeded from the Roman clergy, and that by the impious teacher Vigilius was meant.

all the African bishops were on the opposite side, but their opposition broke out, as Victor of Tununum says, since the year 559. The principal agitator on this side was Primasius of Carthage, the primate of the whole of Latin Africa, who, as we know, immediately on his institution had accepted the anathema on the three chapters (sec. 262B). For this reason most of the other bishops of those provinces separated from him; but now two of his friends, Bishops Rufinus and Vidus, succeeded in persuading their colleagues in the proconsular province of Africa so that they entered into Church communion, perhaps at a Synod, with Primasius and all the opponents of the three chapters. This example was soon followed by their neighbours in the Numidian province. They, too, came to Carthage, in order to enter into Church communion with Primasius. Only few from both provinces refused their concession, and for that reason were persecuted by Primasius with blows, imprisonment, and exile. To these belonged Victor of Tununum, also Theodosius of Cebarsusa, Donatus, Brumasius, Musicus, and Chrysonius. After they had been forced to change their place of exile and imprisonment several times, they were at last confined in different monasteries.[1]

SEC. 278. *The Schism in Upper Italy. Tuscany and France are also against the Fifth Synod.*

We receive important intelligence respecting the further progress of the controversy on the three chapters from the letters of Pope Pelagius I., and we learn that, in Upper Italy, from the west to the eastern coast, in the west the bishops of Liguria and Æmilia, in the east those of Venetia and Istria, on account of the three chapters and the fifth Synod, separated formally from communion with the holy see. At the head of the eastern bishops of Upper Italy stood Paulinus of Aquileia, as supreme metropolitan of Venetia and Istria with a part of Illyricum, Rhætia II., and Noricum; whilst the westerns had their ecclesiastical head in the archbishop of Milan.[2] Pope

[1] Victor. Tunum. *l.c. ad ann.* 554, 555, 556, 564.

[2] That Rhætia II. belonged to the diocese of Aquileia, we see from a letter of the bishops there to Emperor Maurice, in Mansi, t. x. p. 463.

Pelagius I. sent Roman clergymen into those parts in order to bring back the bishops to Church communion with Rome, and requested Narses as commander-in-chief in Italy to support the Church with the secular arm, and to constrain those who had gone astray to the right way. Especially was he to send the chief promoters of the disquiet, the bishops of Milan and Aquileia, to Constantinople to the Emperor, that he might dispose of them. At the same time he complains (Epist. 3) of a Synod which the Schismatics had held (at Aquileia) for the rejection of the fifth Council, whilst the old Church rule required that, in case of doubts arising with respect to an Œcumenical Council their solution was to be sought of the Roman see, and not by a provincial Synod.[1] Nothing more is known respecting the Synod in question; it probably fell in the year 554 or 555, and must not be confounded with a later Synod at Aquileia, mentioned by Bede.[2] From the sixth letter of Pelagius I. we see that the Tuscan bishops also renounced communion with him, whilst they regarded him as a heretic because of his rejection of the three chapters. He endeavoured to propitiate them, and asserted his orthodoxy. This he did, moreover, in an encyclical letter to the whole Christian people, to which he also appended a confession of faith; and so in two letters to Childebert, king of the Franks, as his orthodoxy was suspected also in Gaul. To the second of these letters also a confession of faith was appended.[3] When Pelagius I. died, A.D. 560, and the Emperor Justinian in November 565, the opposition had already been partially softened, and in order to increase this still more the Emperor Justin II. issued an edict similar to the *Henoticon*, which endeavoured to represent the whole

[1] Pelagii I. *Epist.* 2, 3, 4, 5, in Mansi, t. ix. p. 712 sq., and the fragments of several letters of this Pope first edited by Lucas Holstein (*ibid.* p. 730 sqq.). That those four letters and four of these fragments compose, in fact, only three letters, was shown by Rubeis in his *Monimenta Ecclesiæ Aquileiensis*, p. 204 sqq., and after him by Walch, *Ketzerhist.* Bd. viii. S. 337 f. These letters and fragments are wanting in Hardouin.

[2] The latter is not earlier than about the year 700, under P. Sergius (sec. 283). Cf. Ballerini (in Noris, *Opp.* t. iv. p. 963); Rubeis, *l.c.* p. 216; and Walch, *l.c.* S. 331 and 335.

[3] Pelagii I. *Epist.* 6, 7, 10, 16, in Mansi, t. ix. pp. 716, 717, 722, 728. Hardouin gives only the last of these letters, t. iii. p. 331.

controversy as unimportant. It is given verbally in Evagrius (v. 4), and it orders that there shall be no more wrangling over persons and syllables. Among the persons, Theodore of Mopsuestia, Theodoret, and Ibas were evidently intended; whilst the expression "over syllables" probably referred to the controversy which broke out in the last years of Justinian on the corruptibility or incorruptibility of the body of Jesus (*φθαρτός* and *ἀφθαρτός*, vol. iii. sec. 208). Evagrius himself remarks: As this edict at the close declared that the present *status quo* of the Church should be maintained, none of the sectaries returned to the Church.

Sec. 279. *Victories of the Longobardi. Partial Union of the Milanese.*

Soon after this, from the year 568, the Longobardi under Alboin by degrees got possession of all the provinces of Upper Italy, and very many sees of the schismatical bishops in those parts came under their power, particularly the two great metropolitan sees of Milan and Aquileia. Bishop Paulinus of Aquileia, therefore, fled with the treasures of the church to Grado, and removed his throne to this little island, in the neighbourhood of Trieste, which still belonged to the Emperor. So also Honoratus of Milan, when this city was seized by Alboin in September 569, betook himself to Genoa, which had never come into the hands of the Longobardi. But these districts, whether taken or not, persisted still in their separation from Rome and in their rejection of the fifth Synod. Bright hopes of union emerged, however, when, after the death of Honoratus of Milan (†570), the one part, namely, the Milanese clergy who had fled to Genoa, the majority, elected Lawrence II., but the clergy who had remained at Milan a certain Fronto; and the former, in order to get the better of his rival, again entered into Church communion with Rome in 571, and laid before the Pope (John III.) a written and most definite assurance (*districtissimam cautionem*, says Gregory the Great).[1] We learn this from two letters of Gregory the Great to the successor of Lawrence, Archbishop

[1] Cf. Noris, *l.c.* t. i. pp. 693, 703.

Constantine,[1] and we may from these infer the contents of this *cautio*. That they declared for the restoration of Church communion with Rome was naturally the first; but besides this, we learn from the second of the letters of Gregory referred to, it bound Bishop Lawrence in this manner, that if it should be asked he could not swear that he had not anathematised the three chapters. There must therefore have been a concession contained in it in regard to the anathema on the three chapters. And this *cautio* was subscribed, not by Bishop Lawrence alone, but along with him by many *viri nobilissimi*, both from his side and from that of the Pope, for Gregory the Great himself subscribed it when he was still *Prætor urbanus* at Rome.[2] This union of the Milanese of necessity increased still more when Lawrence II., after the death of his rival Fronto, came into the uncontested possession of the see, and even the part of his diocese which had remained at Milan recognised him.[3]

Sec. 280. *Attempts at Union with the See of Grado.*

About the same time attempts were made also in the east of Upper Italy to bring back to the Church the schismatical bishops of Istria and Venetia, particularly those who were still subject to the Emperor. At their head stood Elias, archbishop of Aquileia at Grado (the title of Aquileia was still retained after the removal); and the imperial exarch over Italy, Smaragdus, proceeded to employ force. The Schismatics, therefore, turned to the Byzantine Emperor Maurice (582–602), and he gave orders to the governor henceforth not to disturb any bishop on account of the union. In a more peaceful way than Smaragdus, Pope Pelagius at the same time pursued the same end, and sent letters and

[1] Gregor. M. *Epist.* lib. iv. Epp. 2 and 39 (earlier ed. lib. iii. Epp. 2 and 37) in the Benedict. ed. of the works of Gregory, t. ii. pp. 682 and 719; also in Mansi, t. ix. pp. 1157 and 1181 (here in accordance with the old numbering of the letters).

[2] Gregor. M. *Epist.* lib. iv. Ep. 2. Cf. Ballerini in Noris, *Opp.* t. iv. p. 971 sq.

[3] Noris, *l.c.* t. i. p. 694.

deputies to Elias and his suffragans in order to invite them to union.[1]

At the same time he moved for a conference (religious colloquy) at Rome or Ravenna, and endeavoured to remove from them all suspicion in regard to his orthodoxy.[2] That Elias about the same time (579) held a Synod at Grado with regard to the removal of the see of Aquileia to Grado, is probably a fiction; and at least the supposed Acts of this assembly are more than suspected,[3] since, according to these, the Synod was held with the approval of the Pope and in the presence of a Roman legate, whilst Elias still refused Church communion with Pelagius.

When Elias died, A.D. 586, and Severus succeeded him in the see of Grado, the imperial exarch Smaragdus renewed his methods of restoring Church union, brought Archbishop Severus and three of his suffragans by force to Ravenna, and, when the schismatics would not be driven over, he put them in prison, and ill-treated them to such an extent, with threats of exile, that they at last entered into communion with Archbishop John of Ravenna, who had anathematised the three chapters, and naturally was in union with Rome. When, after a year's delay, they were allowed to return to Grado, their people regarded them as apostates, and would have no communion with them, until Severus, at a Synod of ten bishops at Mariano or Marana in Friaul, on the coasts of the Adriatic Sea, recalled his step, and renewed the schism.[4]

SEC. 281. *Gregory the Great works for Union. Synods of the Schismatics.*

When Gregory the Great, on September 3, 590, ascended

[1] Cf. the later synodal epistle of the Istrian bishops, in Mansi, t. x. p. 464.

[2] Cf. the three letters of Pelagius II. (really drawn up by his deacon Gregory the Great) in Mansi, t. ix. pp. 891–899, and p. 433 sqq.; Hardouin, t. iii. p. 414. Cf. Noris, *l.c.* t. i. p. 710 sqq.

[3] They are found in Mansi, t. ix. p. 923 sqq., and are there, p. 927, declared to be spurious; so by Rubeis, *Monim. Eccles. Aquil.* p. 235 sqq.; and Walch, *l.c.* S. 364. Noris, *l.c.* p. 704, defended this Synod; but even the Ballerini (in Noris, *Opp.* t. iv. p. 1055 sqq.) showed its spuriousness.

[4] Paul. Diac. *De gestis Longobard.* lib. iii. c. 26 (in Migne, *Patrol.* t. xcv. p. 527), and the later letter of the Istrian bishops in Mansi, t. x. p. 464. Cf.

the papal chair,[1] he immediately directed new solicitude to the restoration of ecclesiastical union, and obtained from the Emperor Maurice the command, that Severus of Aquileia (Grado) and his suffragans should come to Rome for the purpose of a friendly conference.[2] In order to evade this, the sectaries immediately held two Synods. Severus and the schismatical bishops of Upper Italy, etc., who stood under imperial authority, assembled at Grado, and those who were subject to the Longobardi at another place which is unknown; because, through mistrust of their government, closer intercourse with the empire did not seem advisable. From this second Synod we still possess a letter to the Emperor Maurice, which was subscribed by ten bishops from Venetia and Rhætia II., first by Ingenuinus of Seben,[3] also by Agnellus of Trent, Junior of Verona, and others.[4] They say, in this letter, that Pope Vigilius and almost all the bishops had declared the anathema on the three chapters to be detestable. Vigilius, in particular, had, in an edict circulated in all the provinces, threatened with excommunication everyone who should receive that anathema (they entirely ignore the later assent of Vigilius). Afterwards, indeed, many bishops, under compulsion of the Emperor, had agreed to that anathema; but they, on the contrary, taught by Vigilius, had with steady fidelity held the decrees of Chalcedon, and had broken off communion with those who had rejected the three chapters.

They further relate what attempts had been made to compel those of their colleagues, who were still subject to the Emperor, to the recognition of the anathema on the three chapters; for example, what had been done by Smaragdus against Bishop Elias and his successor Severus, and how,

Noris, *l.c.* t. i. pp. 713–716. Ballerini, *ibid.* t. iv. p. 973 sqq.; and Walch, *l.c.* Bd. viii. S. 391 and 365.

[1] His predecessor, Pelagius II., died February 8, 590; but, on account of the plague, the papal chair remained for seven months unoccupied.

[2] Gregor. M. *Epist. ad Severum*, lib. i. Ep. 16; in the Benedictine ed. t. ii. p. 501; in Mansi, t. ix. p. 1038.

[3] The bishopric of Seben was afterwards removed to Brixen, and the Church of Brixen still celebrates a festival of S. Ingenuinus. Noris (*l.c.* p. 470) supposes that Ingenuinus afterwards united with Rome.

[4] Mansi, t. x. p. 463 sqq.; Hardouin, t. iii. p. 524.

quite recently, Pope Gregory had wanted to compel Severus to come to Rome. The imperial command to this effect was certainly gained surreptitiously; but they had been, in the highest degree, troubled by it, because their metropolitan (Severus) would now have to be subject to his (the Pope's) judgment, who was himself of the other party in this matter, and whose communion they and their predecessors had left. They had petitioned their archbishop that he would draw up no decree without them on the common ecclesiastical question (they feared he might yield). After the disquiet about war was ended, they would themselves come to Constantinople, in order to give an explanation with regard to their Church communion; then it would be suitable to decide the controversy by a Synod in presence of the Emperor. Finally, they threatened that, in case the Emperor should compel Severus to compliance, they would separate from the metropolis of Aquileia. They would then unite themselves with the bishops of Gaul, just as in other churches, Salzburg, Augsburg, and others, priests had been instituted by Frankish bishops.[1]

From the other Synod of the schismatics, under Severus at Grado, no document is extant; but we learn from a letter of the Emperor to the Pope, that both the Synod and Severus in particular addressed memorials to the Emperor, and sent deputies to Constantinople. Maurice complied with their requests, and ordered the Pope to leave the bishops in question undisturbed, until Italy should be restored to peace, and the other bishops of Istria or Venetia should be brought back to their earlier position, *i.e.* should again be subjected to the Roman Empire.[2] In consequence of this Gregory was obliged to refrain from all more violent measures,[3] so long as Romanus—a slothful, covetous man, and one unfriendly to the Pope—was imperial exarch of Italy.[4] Gregory, nevertheless,

[1] Cf. the Vienna *Akad. d. Wissensch. Hist. Klasse*, 1855, Bd. xvii. S. 138.

[2] Letter of the Emperor to the Pope, in Mansi, t. x. p. 467; Hardouin, t. iii. p. 527.

[3] Gregor. M. *Epist.* lib. ii. Ep. 46 (earlier, ii. 32), Benedict. ed. t. ii. p. 607.

[4] Noris, *l.c.* t. i. pp. 725, 727.

made continuous efforts by letters to bring about the suppression of the schism and the general peace of the Church, and, probably at this time, sent out that famous letter which, in the various editions generally bears the title, *Ad episcopos Hiberniæ*.[1] Those addressed, as the opening of the letter shows, were plainly schismatics, who had been forced to endure inconveniences on account of their non-acceptance of the fifth Council. In order to instruct them, Gregory sent them the book of his predecessor Pelagius (probably his third letter in Mansi, t. ix. p. 433; Hardouin, t. iii. p. 421). It has been inferred from this that a schism must have arisen in Ireland also on account of the three chapters; but a still extant letter of S. Columban to Pope Boniface shows that he, for the first time, received information respecting the schism on account of the three chapters after his arrival in Upper Italy, and that nothing was known of it in Ireland.[2] Many therefore have supposed that we should read *Istriæ* instead of *Hiberniæ*. But since neither of these words stands in the old MSS., as we are assured by the Benedictines, and, indeed, there is no indication of place at all, the Ballerini are certainly right when they assume that this letter of Gregory's was an *Epistola encyclica*.[3]

After the death of Romanus, Callinias became exarch of Italy, and the Emperor forbade anew the molestation of the Istrians. But the general Basil, a friend of Gregory's, supported the latter in his efforts for union; and Smaragdus did this still more when, in A.D. 602, he had again become exarch of Italy. The island of Caprulæ (Caorle, near Venice) now returned to the Church, and received a Catholic bishop of its own.[4] Somewhat later three other Istrian bishops, Providentius, Peter, and Ferminus of Trieste, entered the union.[5]

[1] Gregor. M. *Epist.* lib. ii. Ep. 51 (earlier, ii. 36).

[2] *Biblioth. Patrum*, Lugdun. t. xii. p. 28 sq.; Walch, *l.c.* S. 362.

[3] Norisii *Opp.* ed. Baller. t. iv. p. 976 sq.; Walch, *l.c.* S. 348 sqq.

[4] Noris, *l.c.* t. i. p. 728 sq.

[5] Gregor. M. *Epist.* lib. v. Ep. 51, lib. xii. Ep. 33, and xiii. 33 (earlier, iv. 49, x. 37, and xi. 40); in the Benedictine edition, t. ii. pp. 778, 1203, 1240; in Mansi, t. ix. p. 1231, t. x. pp. 331 and 364; Noris, *l.c.* t. i. p. 732.

Sec. 282. *The Union of the Province of Milan is renewed and extended.*

A still more favourable result was gained by Gregory the Great in the west of Upper Italy. Bishop Lawrence II. of Milan (sec. 279) had died in communion with the Roman Church, and the portion of the clergy still resident in Milan elected the deacon Constantine as his successor, and gave notice of this to Pope Gregory the Great. The latter commissioned his subdeacon John instantly to proceed to Genoa, in order to ascertain whether the Milanese who had fled thither were contented with Constantine; and if he discovered that it was so, he should have him consecrated by the bishops of the province with the assent of the Pope. This was done, and the new bishop subsequently maintained the most friendly relations with Gregory, and received the pallium from him.[1] Soon after the Pope learned that three suffragans of Constantine had broken off communion with him, because he had consented to the anathematising of the three chapters, and had put forth a written *cautio* in this direction. So, too, the famous Queen of the Longobardi, Theodelinda, for the same reason, withdrew from communion with Archbishop Constantine. Gregory the Great therefore sent envoys, A.D. 594, into Lombardy, with a letter to the Queen and two letters to Constantine. In the latter he declared that neither in writing nor by word of mouth had the bishop put forth a *cautio* on account of the three chapters, and that there had been no necessity for any such thing, as without this the Pope fully trusted him. In the letter to Theodelinda, however, Gregory asserts his orthodoxy, declares that under Justinian (at the fifth Synod) nothing had been done to the prejudice of the Council of Chalcedon, and requests her at once to resume communion with Constantine, whose ordination she had received with approval.[2]

Soon afterwards Archbishop Constantine wrote to him

[1] Gregor. M. *Epist.* lib. iii. Epp. 29 and 30 (earlier, lib. ii. 2, Epp. 29 and 30), in the Benedict. ed. t. ii. p. 644 sq.; in Mansi, t. ix. p. 1129 sq.

[2] Gregor. M. *Epist.* lib. iv. Epp. 2, 3, 4 (earlier, lib. iii. Epp. 2, 3, 4), in the Benedict. ed. t. ii. p. 622 sq.; in Mansi, t. ix. p. 1157 sqq.

that he had not ventured to convey the letter to the Queen, because it contained mention of the fifth Synod; requesting the Pope therefore to send another letter to her. Gregory did so, and contented himself, in this new letter, with a powerful assurance of his own adhesion to the four holy Synods.[1] He had, moreover, learned from Constantine that the bishop and the inhabitants of Brescia had demanded an assurance on oath that he (Constantine) had not anathematised the three chapters. Gregory strengthened him in the purpose not to take this oath, since his predecessor Lawrence had certainly not taken any such oath, and had not infringed the *juramenta* of his *cautio*. On the other hand, however, for the quieting of the Brescians, while communicating the anathema, he should declare to them in a letter that he neither infringed upon the faith of Chalcedon himself in the least degree, nor would receive into his communion anyone who should venture to infringe it; that he condemned all who condemned the Council of Chalcedon, and recognised all who had recognised that.[2] The Pope, therefore, not only himself was silent to the Lombardian Queen on the fifth Synod, and on the three chapters, but he requested that Constantine also should be entirely silent on that subject, and that he should direct his efforts to one point, "restoration of union with Rome," perceiving that, in time, this would draw after it in peace everything else that was necessary. And, in fact, the schism in the west of Italy was now extinguished,[3] and only that in the east maintained for some time a miserable existence.

Sec. 283. *End of the Schism.*

Soon after Gregory the Great (†604), there died also his principal opponent Severus (A.D. 607), the head of the schismatics of Istria, Venetia, Rhætia II., etc., and the see of Aquileia-Grado was now occupied by Candidian, who had

[1] Gregor. M. *Epist.* lib. iv. Ep. 38 (earlier, lib. iii. Ep. 33), in the Benedict. ed. t. ii. p. 718; in Mansi, t. ix. p. 1178.

[2] Gregor. M. *Epist.* lib. iv. Ep. 39 (earlier, lib. iii. Ep. 37).

[3] Noris, *Diss. de Synodo V.* in the Ballerini, ed. t. i. p. 727.

reconciled himself with Rome. Those suffragans of Aquileia whose sees lay in the jurisdiction of the Emperor united with him, partly by compulsion, and left the schism. Those, on the contrary, who were under the Lombardian King and the Duke of Friaul, separated from Candidian and set up a distinct patriarchate of Aquileia, taking this great title in order to indicate their independence of Rome. Probably soon after this the Popes granted the title of patriarch to the bishops of Grado, in order not to allow the metropolitan in communion with them to be inferior to his schismatical colleague.[1] In this way there were now two small patriarchates in Upper Italy, Aquileia-Grado, often called Grado alone, the patriarchate of the unionists, and Aquileia, the patriarchate of the schismatics. Under Pope Honorius I. (625–638) the union of the Istrians extended further;[2] but it was not until under Sergius I. (687–701) that the last schismatics of the Lombardian kingdom, at the Synod of Aquileia, about the year 700, returned to the Church.[3] Still earlier were

[1] Cf. Noris, t. i. pp. 748, 752, and the Dissertation of the Ballerini, *De Patriarchatus Aquil. origine*, in the fourth volume of their edition of the works of Cardinal Noris, p. 1051 sqq., particularly p. 1068 sq.; also Rubeis, *Monim. Eccles. Aquil.* p. 287 sqq.

[2] The bishops of Aquileia, Maximus and Agatho, who were present at the Roman Synods in the years 649 and 679, were patriarchs of Aquileia-Grado, not of the schismatical Aquileia, as the Ballerini showed (t. iv. p. 964), correcting Noris.

[3] Mansi, t. xii. p. 115. Beda Veneral. *De temporum ratione*, c. 66, with the special title: "Chronicon sire de sex hujus sæculi ætatibus," writes (*ad ann. Chr.* 708): *Synodus Aquileiæ facta, ob imperitiam fidei quintum universale concilium suscipere diffidit donec salutaribus beati Papæ Sergii monitis instructa, et ipsa huic cum ceteris Christi ecclesiis adnuere consentit.* Bedæ *Opera*, ed. Migne, t. i. p. 569. With the like words Bede's narration was repeated by Paulus Diaconus, *De gestis Longobard.* lib. vi. c. 14. Even after the union the two bishops of Aquileia and Grado retained the title of patriarch, however without other privileges than those of metropolitans, and often had disputes with one another which Leo IX. settled, A.D. 1053, by exact definition of the boundaries of their dioceses (cf. Wiltsch, *Kirchl. Geogr. u. Statistik*, Bd. i. S. 277 and 279). The patriarchate of Grado was (A.D. 1451) removed to Venice, and still continues with this altered title. The patriarchs of Aquileia, however, after the destruction of this city, removed their see to Udine, until Benedict XIV. (A.D. 1751) completely abolished the patriarchate of Aquileia at the wish of Austria. Görz and Udine were therefore raised to be metropolitan sees, but the latter city was subsequently made suffragan to the patriarchate of Venice.

the doubts respecting the fifth Synod extinguished in France and Spain. In the latter country they were transplanted from Africa, but it did not come to a schism either here or in France, although S. Isidore of Seville, misled by his African authorities (Victor of Tununum and others), could write: "Justinian rejected the three chapters of the Synod of Chalcedon to please the Acephali." The Spanish Synods of the sixth and seventh centuries are also silent as to the fifth Synod; but the union with Rome, of necessity, gradually brought about its recognition.[1]

[1] Cf. Noris, *Diss. de Synodo V.* cap. ix. sec. 2, t. i. p. 690; and Natal. Alex. *Hist. Eccl.* Seculi vi. t. v. p. 439, ed. Venet. 1778.

BOOK XV.

INTERVAL BETWEEN THE FIFTH AND SIXTH ŒCUMENICAL SYNODS, UNTIL THE BEGINNING OF THE MONOTHELITE CONTROVERSIES.

CHAPTER I.

THE SYNODS UNTIL THE END OF THE SIXTH CENTURY.

SEC. 284. *The Frankish Synods about the middle of the Sixth Century.*

FROM the close of the previous period there elapsed more than a whole century, before Christendom again enjoyed the grand spectacle of an Œcumenical Council. In so much greater number we meet with a series of smaller, yet in many respects not unimportant Synods; and if hitherto the principal localities of such assemblies has been in the East, the majority are now celebrated in the West, especially in Spain and in France.

Soon after the outbreak of the controversy on the three chapters, and before the assembling of the fifth Œcumenical Council, five Synods were held in France, the description of which has been deferred to this place, in order not to interrupt the connection in the history of the controversy on the three chapters.

To the year 549 belongs the great fifth Synod of Orleans, the minutes of which were subscribed on October 28 of that year by seven archbishops, forty-three bishops, and twenty-one representatives of bishops. The seven archbishops were, according to the order followed in the minutes: Sacerdos of

Lyons (probably president), Aurelian of Arles, Hesychius of Vienne, Nicetius of Trèves (Trier), Desideratus of Bourges, Aspasius of Elusa (Eause), and Constitutus of Sens.[1] The bishop of the diocese of Orleans was not present, as he had been exiled on false accusations, and our Synod had been called by King Childebert I. of Paris (son of Chlodwig), among other things, also for the judging of his matters.[2] He was found to be innocent, and restored.[3] Besides this, a heresy which had become widespread in the neighbourhood of Orleans is said to have rendered the calling of the Council necessary. The old biography of Bishop Domitian of Trajectum on the Maas, edited by the Bollandists (*ad 7 Maii*), to which we are indebted for this information,[4] speaks of the Arian heresy. But the first canon of our Synod refers to Monophysitism and Nestorianism, and as it falls quite in the time of the controversy about the three chapters, we may assume that the defenders of the three chapters reproached their opponents with Monophysitism, whilst these threw back the reproach of Nestorianism, or that the two parties had actually relapsed into these heresies. The biography goes on: "Immediately after the opening of the Synod the heretics had maintained their heresy with great pomp of eloquence, but Bishop Domitian, chosen by his colleagues as speaker, had overcome them by testimonies from Holy

[1] Remi Ceillier (*Histoire generale des auteurs sacrés*, etc., Paris, 1784, t. xvi. p. 737) and the authors of the *Histoire littéraire de la France*, t. iii. p. 247, reckon also Bishops Urbicus of Besançon and Avolus of Aix among the metropolitans; but Besançon and Aix were not raised to that dignity until the times of Charles the Great and his successors. In the subscriptions of the minutes of our Synod, the bishops of Besançon and Aix do not follow immediately after the archbishops named, but a good deal later; a proof that they were not then metropolitans.

[2] Orleans had formerly belonged to Chlodomar's portion of the kingdom; but this was lost in battle (A.D. 524) to the Burgundians.

[3] Cf. the information given by Gregory of Tours in his *Vitæ Patrum*, c. 6, printed also in Mansi, t. ix. p. 138, and Hardouin, t. ii. p. 1450.

[4] Printed in Mansi, *l.c.* p. 138 sq. Trajectum on the Maas, or *Trajectum Tungrorum*, is Mastricht. The seat of the bishopric was previously Tungern in the neighbourhood of Mastricht. Subsequently the see was removed to Liège (Lüttich). The subscriptions of our Synod show a *Domitianus episcopus ecclesiæ Tungrensis*. A Bishop Domitian of Tungern (or Cöln?) met us before at the first Synod at Clermont, A.D. 535 (sec. 249). On Tungern, cf. the *Thesaurus* of the Bollandists, t. i. p. 357.

Scriptures, and had converted very many. The stiff-necked had been excommunicated, and exiled by the princes."

The twenty-four canons of this Synod ordain :—

1. The rejection of the Eutychian and Nestorian heresies.

2. No bishop shall excommunicate an orthodox man for unimportant causes.

3. No bishop, priest, or deacon may have a strange woman in his house; and even women related to him must not be in his house at unsuitable hours.

4. If a cleric of any degree whatever returns again to the nuptial bed, he shall for his whole lifetime be deprived of the dignity of his Ordo (*ab honore accepti ordinis*), and deposed from his office (*ab officio*); but the communion must be given to him.

5. No bishop may advance any cleric or lector, or claim him as his own, unless his bishop assents. If, however, he does so, he must not say Mass for six months, and the person promoted by him shall be suspended *ab honore vel officio*, according to the judgment of his own bishop (*vel* = *et*, see vol. iii. sec. 164).

6. No bishop must ordain a slave or freedman without the assent of his master or emancipator. If he does so he must not say Mass for six months, and the person ordained by him must be given back to his master, but must be treated by him in accordance with his (clerical) position. If this is not done the bishop must give the master two other slaves and demand back the ordained person for his own Church.

7. When slaves are liberated by their masters the Church must protect their liberty.

8. If the bishop has died in a city, no other bishop must ordain clerics or dedicate altars in that city or in the rural parishes during the vacancy of the see, or take away anything of the property of the Church.

9. No layman must be ordained bishop within a year of his conversion (see sec. 237, c. 2). Within this period he shall receive accurate instruction in clerical discipline and rules from learned and approved men.

10. No one must obtain a bishopric by presents or purchase, but with the assent of the King after his election by

clergy and laity, in accordance with the ancient canons; the new bishop shall be consecrated by the metropolitan or his representative in union with the comprovincials. If anyone purchases a bishopric he is to be deposed.

11. No one must be forced upon a diocese as bishop against their will, and the citizens and clergy may not be constrained by the powerful to assent to such an intrusion. One who is intruded by force loses the episcopal dignity for ever.

12. No bishop shall during his lifetime have a successor given to him, or another bishop put in his place, unless he is deposed for a capital offence.

13. No one must keep back or alienate what has been given to churches, monasteries, xenodochia [guest-houses for the reception of pilgrims, etc.], or the poor. If anyone does so he shall, in accordance with the old canons, as a murderer of the poor (secs. 220 and 222), be excommunicated until he gives back what he has withdrawn.

14. No bishop or other cleric, and in general no one, must appropriate or take in possession the goods of another church.

15. In regard to the xenodochion, which King Childebert and his consort Ultrogotho founded in Lyons, the bishop of Lyons must claim none of its goods for himself or his church. And, in general, if anyone of any position attacks the rights of this xenodochion, he shall be smitten with perpetual anathema (cf. Kellner, *Das Buss- und Strafverfahren*, Trier 1863, S. 84).

16. Whoever wishes to take back what he himself or one of his forefathers has presented to priests or churches or other holy places, shall, as a murderer of the poor (see c. 13), be smitten with excommunication.

17. If anyone has a dispute with a bishop or administrator of Church property (*actor*), let him first endeavour to have a peaceful understanding with him. If he does not succeed, let him appeal to the metropolitan. If the accused bishop, after two admonitions of the metropolitan, neither satisfies his opponent nor himself appears before the metropolitan, he must be shut out *a caritate* of the metropolitan

(see vol. iii. secs. 164 and 200, c. 20, note 1), until he appears and gives satisfaction as to the contention. If it is shown that he was molested without reason, the unjust accuser shall be excommunicated for a year. If, however, the metropolitan has been approached twice by one of his comprovincial bishops in a case and has not heard him, the bishop may bring his affair before the next Synod, and that which the comprovincials declare to be right he shall observe.

18. Renewal of c. 19 of the second Synod of Arles (vol. iii. sec. 164).

19. Girls who enter a convent of their own free will, or are offered by their parents, must remain a year in the garment that they wore on their admission. In a convent in which they are not continuously confined, they must wear the garment they brought with them three years, and not till then receive the habit of the order. If, subsequently, they go out and marry, they, together with their husbands, must be excommunicated. If they separate again from these, they may again obtain communion.

20. Prisoners should be visited by the archdeacon or provost of the Church every Sunday, so that their need may, in accordance with the command of God, be lightened by mercy. The bishop must appoint a faithful and diligent person to care for the needs of prisoners. The necessary cost they must receive from the Church.

21. The bishop must specially care for lepers, for their food and clothing.

22. If a slave has fled into a church (for asylum), in accordance with the ancient ordinances (sec. 224), he must not be given back until his master has assured him of forgiveness on oath. If the master does not keep his promise, and in anyway tortures his slave, he must be shut out from all intercourse with the faithful. If, however, he has made that promise, and the slave will not leave the church, then his master may take him by force. If the master is a heathen or a sectary, he must produce several good Christian persons as guarantors for his promise, that he will forgive his servant.

23. A provincial Synod shall take place every year.

24. The old canons shall remain in force.[1]

Soon after the end of the fifth Synod of Orleans, probably in the same year, 549, ten of the bishops who had been there met in a new Council at Clermont in Auvergne, *Arvernense II.*,[2] among them the four archbishops named above, of Vienne, Trèves, Bourges, and Elusa. The real reason of this new assembly is unknown,[3] and we know of it only that it repeated the canons of the Synod of Orleans. According to the codex which Sirmond found at Toulouse, they had done this only in reference to the first fifteen canons and the seventeenth; but Mansi discovered a second codex which contained an excerpt from all of these canons, excepting only the one before last, and ascribed them to our Synod of Clermont. Still earlier Peter de Marca and Peter la Lande had obtained from the archives of the church of Urgel (in Spain) the *Præfatio* of our Synod, which is nothing else but the uninteresting *Præfatio* of the fifth Council of Orleans increased by four lines.[4]

On the 1st of June, probably of the year 550, a Synod was held at Toul, by command of King Theodebald of Austrasia, under the presidency of Archbishop Nicetius of Trèves. The Acts are no longer extant, but we still possess a statement relating to this assembly from Archbishop Mappinius of Reims to Nicetius, to the effect that King Theodebald (whom Mappinius calls his "Son and Lord") had summoned him to Toul to a Synod on the 1st of June without saying anything of its purpose. He had therefore immediately petitioned for further information, and had learnt that Nicetius had been in different ways oppressed and persecuted by certain

[1] Mansi, t. ix. p. 127 sqq.; Hardouin, t. ii. p. 1443 sqq.; Sirmond, *Concillia Galliæ*, t. i. p. 277 sqq.; Bruns, *Bibliotheca Ecclesiastica*, pt. ii. p. 208 sqq. Cf. Remi Ceillier, *l.c.* t. xvi. p. 737, and *Histoire littéraire de la France*, t. iii. p. 247.

[2] The first Synod at Clermont, *Avernensis I.*, took place A.D. 535. See sec. 249.

[3] It is not improbable that King Theodebald of Austrasia, to whose portion the neighbourhood of Clermont belonged, expressed the wish that the bishops would hold an ecclesiastical assembly also in his kingdom.

[4] Mansi, *l.c.* p. 142 sqq. Less complete in Hardouin, *l.c.* p. 1451, and Sirmond, *l.c.* p. 289. Cf. Remi Ceillier, *l.c.* p. 741, *Histoire littéraire*, *l.c.* p. 248.

Frankish magnates whom he had excommunicated on account of incestuous marriages. Mappinius assures him now of his sympathy, but does not conceal his view that he ought to have applied to him (his neighbour metropolitan) rather than to the King. Finally, he remarks that he had received the King's second letter only on the 27th or 28th of May, and therefore it was impossible that he should appear at Toul on the 1st of June.[1] It seems almost as though he had been unwilling to come, as Reims and Toul are only about forty hours distant, and both belonged to Austrasia.

A quite short account of a Synod at Metz we owe to S. Gregory of Tours (*Hist. Franc.* iv. 6, 7). He relates: "After the death of Bishop S. Gallus of Clermont, the bishops who were present for the funeral wanted to consecrate Cato, a priest of that place, as his successor. Out of pride, however, he refused to accept consecration from them, saying: 'Return to your cities, *nam ego canonice assumpturus sum honorem.*'" What Cato meant Gregory does not tell us, but he adds: "Elected by the majority of the clergy of Clermont to be bishop, even before his ordination Cato oppressed Archdeacon Cautinus, on which account he fled to King Theodebald. The King now summoned a Synod to Metz, and by this Cautinus was consecrated bishop of Clermont."[2] The time of this Synod cannot be determined more exactly than that it could not have taken place before the year 549 nor after 555; for in 549 Bishop Gallus of Clermont was present at the Synod of Orleans just mentioned, and in 555 King Theodebald of Austrasia died.

About the same time falls the second Synod of Paris.[3] There were present six metropolitans: Sapaudus of Arles (the successor of S. Aurelian, sec. 261), who was probably president, Hesychius of Vienne, Nicetius of Trèves (Trier), Probian of Bourges, Constitutus of Sens, and Leontius of

[1] Mansi, *l.c.* p. 147; Hardouin, *l.c.* p. 1454; Sirmond, *l.c.* p. 292, in the first volume of the *Actes de la province eccles. de Reims*, by Cardinal Gousset, 1842, p. 33. Cf. Remi Ceillier, *l.c.* p. 741, *Hist. littéraire*, *l.c.* p. 306, and Hontheim, *Historia Trevirensis diplomatica*, t. i. p. 34 sqq., where a complete account of Archbishop Nicetius is given.

[2] Mansi, *l.c.* p. 151. Hardouin mentions it only in the index to vol. ii.

[3] The first belongs to the year 360 or 361. See vol. ii. p. 275.

Bordeaux, together with twenty-one other bishops. The synodal decree says: "King Childebert convoked the Synod in order to arrange several matters affecting the Church, and particularly to provide for the see of Paris, whose bishop, Sassaric, had recently been deposed. The Acts passed in regard to him were read; and when they came to the place at which Sassaric confessed his fault before several bishops and other clergy (the judges), the latter were requested by the Synod to make a fresh declaration on the subject, and declared that Sassaric had, in fact, made such a voluntary confession. Another bishop, Ardacius, further testified that he had heard the same from Sassaric's own mouth. Thereupon the Synod unanimously confirmed the sentence of the previous judges, that Sassaric should henceforth live in a monastery, and according to his own confession deserved deposition, since the offence of which he had been guilty (its nature is not mentioned) was regarded as capital by the old canons. The archbishop (of Sens), however, was requested, in accordance with the ordinance of the recent Synod of Orleans in regard to capital offences (canon 12), to ordain a new bishop for Paris.[1] So far the minutes go. From another source we know that now Eusebius was appointed bishop of Paris.[2] As, however, S. Germanus was present as bishop of Paris at the third Synod of Paris, A.D. 557, as we shall shortly see, Eusebius must have been dead in that year; so that Le Cointe, Remi Ceillier, and others have thought it advisable to remove the second Synod of Paris to the year 551,[3] and not, with Sirmond, Hardouin, and others, to place it in the year 555.

To the same year, 551, belonged also the Synod of Elusa, held by Archbishop Aspasius of Elusa (Eause) with his suffragans.[4] This Synod was formerly entirely unknown to us until Professor Dr. Friedrich published its minutes from a

[1] Mansi, *l.c.* p. 739; Hardouin, t. iii. p. 335; Sirmond, *l.c.* p. 301.

[2] From Aimonius, *De mirac. S. Germani*, in Mansi, *l.c.* p. 741. Note *a* by Binius.

[3] Cf. Le Cointe, *Annales Ecclesiast. Francorum*, Paris 1665, t. i. p. 778; Remi Ceillier, *l.c.* p. 774, and *Hist. littér. de la France*, t. iii. p. 256.

[4] Dr. Fr. Maassen in his essay, *Zwei Synoden unter K. Childerich II.* (Graz 1867), remarks that Amort in his work, *Elementa juris canonici*, Aug. Vind. 1757, had already received the Acts of this Synod. But who noticed this?

parchment codex in the Court and State Library at Munich, belonging to the eighth or ninth century (formerly belonging to the monastery of Diessen). Dr. Friedrich's essay, *Drei unedirte Concilien der Merovingerzeit* ["Three Unedited Councils of the time of the Merovingians"], appeared A.D. 1867. The seven canons of this Synod are, in their principal contents, of the following purport:—

1. Quicumque post acceptam pœnitentiam ad thorum uxorum suarum, sicut canis ad vomitum, redisse probantur (see sec. 211), vel aliis, tam viri quam feminæ, se illicite conjunxisse noscuntur, tam a communione quam a limitibus ecclesiæ vel convivio catholicorum sequestratos esse cognoscant.

2. Si quis vero episcopus, presbyter, diaconus secum extrancam mulierem præter has personas, quas sancta synodus (sec. 222) in solatio clericorum esse constituit, habere forte præsumpserit, aut ad cellarii secretum, tam ingenuam quam ancillam, ad nullam (? ullam) familiaritatem habere voluerit, deposito omni sacerdotali sacrificio remotus se a liminibus sanctæ ecclesiæ vel (= et, see 5th Syn. of Orleans, c. 5, above) ab omni conloquio catholicorum suprascriptæ synodi ordine feriantur.

3. De incantatoribus volens (?), qui instinctu diaboli cornua præcantare dicuntur,[1] si superiores forte personæ (sint), a liminibus excommunicatione pellantur ecclesiæ, humiliores vero personæ vel servi, correpti ad judicium fustigentur, ut si se timore Dei corrigi forte dissimulant, velut scriptum est, verberibus corrigantur.

4. Sacerdotum vero vel (= et) omnium clericorum negotia (= processes), ut non apud laicos, nisi apud suos comprovinciales episcopos suas exerceant actiones, sanctæ synodi Arausicanæ[2] præcepta convenit custodire, ea videlicet ratione, ut si quis suprascripta præcepta contempserit, excommunicatione omnium ac detestatione dignus habeatur. Pariter, ut si quis spreto suo pontifice ad laici patrocinia fortasse confugerit,

[1] Cornua præcantare=to speak words of conjuration over drinking horns. Cf. No. 22 of the *Indiculus Superstitionum*, see below, sec. 362.

[2] The two Synods of Orange which we know do not treat of this subject. See vol. iii. sec. 162; and sec. 242 above.

cum fuerit a suo episcopo repetitus, et laicus eum defensare voluerit, similis eos excommunicationis pœna percellat.

5. De ordinatione vero clericorum id convenit observari, ut cum presbyter aut diaconus ab episcopo petitur ordinandus, præcedentibus diebus viii. populus quemquam ordinandum esse cognoscat, et si qua vitia in eo populus forte esse cognoscit, ante ordinationem dicere non desistat; ut si nullus comprobatione certa contradicturus exstiterit, absque ulla hesitatione benedictionem inspector mereatur accipere.

6. Si quis vero pro remedio animæ suæ mancipia vel loca sanctis ecclesiis vel monasteriis offerre curaverit, conditionem quam qui donaverit scripserit, in omnibus observetur, pariter et de familiis ecclesiæ id intuitu pietatis et justitiæ convenit observari, ut familiæ Dei leviore, quam privatorum servi, opere teneantur, ita ut quarta tributi vel quodlibet operis sui, benedicentes Deo, ex præsente tempore sibi a sacerdotibus concessa esse congaudeant.

7. Nam sicut patrum sanctorum nostrorum præcepta declarant, semel in anno sanctas congregationes episcoporum per loca, qua convenerit, specialiter convenit observari; quam rem si quis nostrorum fortasse contempserit, usque ad aliam congregationem sit (a) charitate fratrum suspensus. Kal. Feb. anno xl. regni domini nostri Hildiberthi et Hlotari regis.

Besides the Metropolitan Aspasius, the subscribers were Julian (of Bigorra), Proculeianus (of Auscii = Auch), Liberius (of Acqs), Theodore (of Conserans), Amelius (of Cominges), and three other suffragans whose sees cannot be ascertained.

The first two Synods which followed immediately after the fifth Œcumenical Council were, like it, occasioned by the controversy on the three chapters, and have therefore already been described by us (secs. 275 and 278). I refer to the Synods of Jerusalem and Aquileia, between 553 and 555, of which the former agreed with the fifth Œcumenical Council, while the latter opposed it. Whether the bishops of Illyricum, under the Metropolitan Frontinus of Salona in Dalmatia, also held a Synod there, and gave common expression in opposition to the decrees of the fifth Œcumenical Council, must remain doubtful (sec. 277 above).

The series of Frankish Synods was again continued, in the year 554, by the fifth of Arles. The short minutes still extant, of date June 29, 554 (forty-third year of Childebert the son of Chlodwig), show that Archbishop Sapaudus of Arles presided. Besides him, eighteen other bishops and representatives of bishops subscribed, most, but not all, belonging to the ecclesiastical province of Arles.[1] The *Præfatio* of the minutes speaks of the provincial Synods, that by them the old canons should be brought again to remembrance, and new ordinances should be drawn up.

Canon 1 orders that all the comprovincial bishops, in regard to the oblations which are offered in the church, should be required to imitate the practice of the Metropolitan Church of Arles, under penalty of exclusion *a charitate fratrum*. (See c. 17 of Orleans 5, above.)

2. Monasteries and the discipline of monks belong to the bishop in whose diocese the monastery is situated.

3. No abbot must, without permission of the bishop, be absent from his monastery for a length of time.

4. No priest must depose a deacon or subdeacon without knowledge of the bishop. If he does so, the person deposed shall be received back into communion, and he who deposed him shall be excommunicated for a year.

5. The bishop must have a care of the convents for women in his city, and the abbess must do nothing against the rule.

6. The clergy must not deteriorate the property of the Church which the bishop intrusts to them. If they do so, the younger of them (under the subdeacon) must be chastised, the elder must be regarded as murderers of the poor.

7. No bishop must advance a strange clergyman to any ecclesiastical rank without a letter from his bishop. If he does so, the person ordained loses the dignity received (*ab honore, quem accepcrit, remotus*), and must not discharge the function committed to him; the person ordaining will be

[1] Bishops Simplicius of Sanicium (Senez) and Hilary of Dinia (Digne) belonged, not to the province of Arles, but to that of Embrun. Cf. *Gallia Christiana*, t. iii. pp. 1113 and 1252; and Wiltsch, *Kirchl. Geographie u. Statistik*, Bd. i. S. 111.

excluded from communion for three months.[1] Cf. vol. iii. secs. 109, 113, 162, 164; above, 209, 237, 246; particularly canon 20 of Chalcedon, note 1, vol. iii. sec. 200.

We know but very little of a Council in Britanny (the place is unknown), probably in the year 555, at which Bishop Macliavus or Maclivus of Vannes was punished with excommunication because, after the death of his brother Chanaus, Count of Britanny, he abandoned the clerical position, assumed the government of the country, and was restored to his wife, whom he had married before his entrance into the clerical state.[2]

In the same way nothing is known exactly of the holding of the third Synod at Paris. As, however, Bishop Euphronius of Tours was present there, and the seventh year of his episcopate coincides with the second year of King Sigebert,[3] *i.e.* with the year 563, we assume the year 556 as the first year of the administration of that bishop, and in that case our Synod could not have been held before 556. Sirmond and others place it therefore in the year 557. Archbishop Probianus of Bourges presided. Besides him there were present Archbishop Praetextatus of Rouen and thirteen other bishops, scarcely any of whose sees are named. The most famous was S. Germanus of Paris. The ten canons have the following contents:—

1. If anyone has Church property in his possession in an unrighteous way, and holds it back, he shall be excommunicated until he ceases from his fault. Such people are murderers of the poor (see above in this sec.). The bishop, however, before he punishes them, must send forth an *admonitio manifesta*, so that the unrighteous possessor may be able to give back the property of the Church. If the latter neglects this restitution, and if he has to be compelled to it, then a speedy chastisement shall fall upon the robber. Moreover, no one, on pain of excommunication, in order to retain

[1] Mansi, *l.c.* p. 701 sqq.; Hardouin, t. iii. p. 327 sqq.; Bruns, *l.c.* pt. ii. p. 217. Cf. Remi Ceillier, t. xvi. p. 774; *Histoire littéraire de la France*, t. iii. p. 263.

[2] Cf. Gregor. Turon. *Hist. Franc.* lib. iv. c. 4; and Mansi, *l.c.* p. 742.

[3] Gregor. Turon. *De miraculis S. Martini*, lib. i. c. 32.

any Church property, shall maintain that it lies in another kingdom (than the Church to which it belongs), for the power of God knows no boundaries of kingdoms. So no one must retain any Church property under the pretext that it was granted to him in former times by the King. In opposition to such people the bishops in former times would have supported their claims upon the canons, and taken possession; but now, almost overwhelmed by losses, they must finally do so. If the unrighteous possessor of any Church property lives in another diocese, then shall the bishop (whose Church property he has in possession) inform the other bishop of it, so that the latter may either, by his exhortations, bring him to a better mind, or inflict canonical punishment upon him. If anyone, in the earlier times of the schism, has taken possession of Church goods, with permission of King Chlodwig, of blessed memory, and left it to his children, these must restore them. The bishops must not only preserve the documents of the diocese, but also the property of the Church, and must practically defend it.

2. In the same way as robbers of Church property must those be punished who encroach upon the property of the bishop.

3. A bishop, too, must not possess foreign property; he must restore it even without regard to the fact that the King has given it to him.

4. Incestuous marriages are forbidden, namely, those with the widow of one's brother, with one's stepmother, with the widow of one's uncle (father or mother's brother), with the sister of one's wife, with one's daughter-in-law, with one's aunt (mother or father's sister), with one's stepdaughter and step-granddaughter.[1]

5. No one must marry a virgin consecrated to God, either by rape or by courtship.[2] So neither must marriage be contracted with those who have laid aside

[1] In the last line of this canon there stands in Mansi, *l.c.* p. 745, erroneously, *prævignæ* instead of *præcipimus*.

[2] The words of the canon, *et hi qui eas rapere aut competere voluerint*, etc., stand in the text at the wrong place. They belong to the first clause, before *similiter*.

secular garments, and have vowed widowhood or virginity, on penalty of permanent excommunication.

6. No one must ask foreign property of the King. No one must seize a widow or a maiden, or ask her of the King, without the will of her parents, under penalty of excommunication.

7. No bishop must receive one who has been excommunicated by another bishop.

8. No one must be forced upon the city as bishop unless he has been elected with entire freedom by laity and clergy. He must not be appointed by command of the Prince, or in any other way against the will of the metropolitan and the comprovincials. If anyone ventures, leaning upon the royal command, to force himself into this high place, he must not be received by the comprovincials. If a comprovincial comes into union with him, he must be shut out from the communion of his colleagues. In regard to the dedication of bishops already accomplished, the Synod decrees that the metropolitan, with his comprovincials, or the neighbouring bishops chosen by him in common consultation, shall decide (as to their validity).

9. If descendants[1] of slaves have been appointed (by their dying masters) to certain services at the graves, whether they are given over to the heirs or to the Church for protection, the conditions upon which they were discharged (set free), (so) the will of the departed in regard to them must in all ways be fulfilled. In case the Church entirely frees them from these services[2] for the exchequer, they and their descendants must remain under the permanent protection of the Church, and pay money for protection.[3]

10. All absent bishops are required to subscribe the foregoing ordinances.[4]

[1] *Degeneres*=bastards, the designation of slaves generally, as, according to Roman law, slaves could not contract marriages.

[2] *Functio* = *exsolutio tributorum*, λειτουργίαι. Du Cange, *Glossar.* t. iii. p. 743.

[3] *Occursum impendant. Occursus*=census. Cf. Du Cange, *s.v. Occursus.*

[4] Mansi, *l.c.* p. 743 sqq.; Hardouin, t. iii. p. 338 sqq.; Sirmond, *l.c.* p. 313 sqq.; Bruns, pt. ii. p. 219 sqq. Cf. Remi Ceillier, *l.c.* p. 775; *Histoire littéraire de la France*, t. iii. p. 264.

Some other canons attributed to our Synod by the collectors of canons, Burchard of Worms and Ivo of Chartres, Mansi has placed in his collection; but they certainly belong to the time of Lewis the Pious. Cf. Mansi, *l.c.* p. 749 sqq.

Sec. 285. *The Synods between the Years* 560 *and* 575.

The Collections of Councils mention three ancient British Synods at Llandaff in the year 560, held by Bishop Oudoceus in this his episcopal city in South Wales, in order to pronounce excommunication on three chieftans (Kings) for murders committed, and to impose upon them penances after their professing penitence. The brief accounts of them which have come to us show that they were only diocesan Synods, which were a little removed from each other in time, but the date of which cannot be more accurately given.[1]

The information given by the *Libellus Synodicus* on two Synods at Constantinople and Antioch is uncertain. Of these the former was held A.D. 565, under the Emperor Justinian and by his wish, and confirmed the doctrine of the Monophysite Julian of Halicarnassus that the body of Christ was incorruptible (see sec. 208), and had as its consequence the banishment of the Patriarch Eutychius of Constantinople, who refused to subscribe. The other at Antioch anathematised the opponents of the Council of Chalcedon.[2]

In the year 562 a Synod was held in Ireland, at Teilte (now Teltowe, a village near Kells, in County Meath). S. Columba, of a royal house, abbot of Derry and other Irish monasteries, when he was on a visit to his former teacher, Abbot Finnian, had privately made a copy of his *Psalter*. Finnian claimed this as his property (because a copy of *his* book), and the Irish Over-King Diarmid, Columba's cousin, decided for Finnian. By this, and also through violation of the Church's right of asylum by the King, Columba was so embittered that he stirred up an insurrection against him. It came to a bloody battle, and Diarmid was forced to flee.

[1] Mansi, t. ix. p. 763 sqq.; Hardouin, t. iii. p. 343 sqq. Cf. sec. 226.

[2] *Libellus Synodicus*, cc. 119 and 120, in Mansi, *l.c.* p. 766 sq.; Hardouin, t. v. p. 1534. Cf. Pagi, *Critica*, *ad ann.* 563, n. 2 and 3.

In consequence of this the Synod of Teilte, without inviting Columba, passed a sentence of excommunication upon him, because he had been guilty of causing bloodshed. Columba himself appeared at the Synod, and the excommunication was removed. But it was laid upon Columba that he must convert as many heathens as there were Christians who had perished through his fault. He therefore left his native country, and became the apostle of Scotland. The manuscript on which so much depended, was subsequently venerated by the Irish as a kind of national, military, and religious palladium, and still exists in the possession of the O'Donnell family.[1]

The Synod of Braga, A.D. 563 (in the Spanish province of Galicia), is called the second at that place, reckoning as the first the supposed Synod of A.D. 411 (see vol. iii. sec. 118). There were present seven bishops of the province of Galicia, with their metropolitan, Lucretius of Braga, and many priests and clerics. At the very beginning the metropolitan declared that the bishops had long wished for a Synod, but that it had now, for the first time, become possible through the approval of King Ariamir. Galicia was occupied by the Suevi, and formed a separate kingdom under Arian princes. These were naturally averse to the meeting of the orthodox bishops in a Synod; but the case was altered when Ariamir, whom Gregory of Tours calls Charrarich, converted about A.D. 560 by S. Martin, bishop of Dumium, came over to the Catholic Church.[2] Then was held the Synod of Braga, May 1, 563. On the proposal of the President, they first took up the subject of the Faith, in opposition to the Priscillianist heresy. We have already seen (vol. iii. sec. 167) that Pope Leo the Great called upon the Spanish bishops to take vigorous measures against the Priscillian heresy, and that, on his inducement, two great Spanish Synods occupied themselves

[1] Montalembert, *Moines de l'Occident*, vol. iv.; and Greith (bishop of S. Gallen), *Geschichte der altirischen Kirche*, S. 189. The author gave a short survey of the life and work of S. Columba in the Tübingen *Theolog. Quartalschrift*, 1867, S. 499 sqq. [An excellent monogram, *Saint Columba, his Life and Work*, by Rev. E. A. Cooke, M.A. Edinburgh 1893.]

[2] Gregory of Tours speaks at large of this conversion, *De miraculis S. Martini*, lib. i. c. 11.

with this matter, one at Toledo (of the bishops of the civil provinces of Tarragona, Carthagena, Lusitania, and Bætica), and the other in the province of Galicia (*in municipio Celenensi*, vol. iii. sec. 167). Only of the former do we still possess the Acts, namely, a creed and eighteen canons. Both documents were now again read at Braga, and seventeen new capitula added in condemnation of the Priscillianist heresy, with the introductory remark: If anyone, cleric, monk, or layman, so think or defend such doctrine, he shall be cut off as an unworthy member from the body of the Catholic Church. The canons are as follows:—

1. If anyone does not confess that the Father, the Son, and the Holy Ghost are three persons of one substance, or power, or might, as the Catholic and apostolic Church teaches; and if, further, anyone recognises only a single Person, so that HE who is the Son is also the Father and the Paraclete, as Sabellius and Priscillian teach, let him be anathema.

2. If anyone introduces any names of the Godhead, besides those of the Holy Trinity, maintaining that in the Godhead there is a trinity of the Trinity,[1] as the Gnostics and Priscillianists teach, let him be anathema.

3. If anyone says that the Son of God, our Lord, did not exist before HE was born of Mary, as Paul of Samosata, Photinus, and Priscillian taught, let him be anathema.

4. If anyone does not reverence the birthday of Christ, but fasts on this day and on Sunday, because he does not believe that Christ was born in true human nature, like Cerdo, Marcion, Manichæus, and Priscillian, let him be anathema.

5. If anyone believes that the souls of men and angels have come from the substance of God, as Manichæus and Priscillian maintain, let him be anathema.

6. If anyone says that the souls of men sinned first in the heavenly abodes, and therefore were cast down into human bodies upon the earth, let him be anathema.

7. If anyone denies that the devil was at the beginning

[1] That is, that from each divine Person again three personal powers have proceeded.

a good angel, created by God, and maintains that he came up from chaos and darkness, and had no creator, but is himself the principal and the substance of evil, as Manichæus and Priscillian taught, let him be anathema.

8. If anyone believes that, because the devil has produced some things in the world, he thus also makes, by his own power, thunder and lightning, and storms, and drought, as Priscillian taught, let him be anathema.

9. If anyone believes that the souls and bodies of men are subjected by destiny to certain stars, as the heathen and Priscillian taught, etc.

10. If anyone believes that the twelve signs (of the zodiac), which the mathematicians are wont to observe, are distributed over the particular members of the soul and the body, and assigned to the names of the patriarchs, as Priscillian taught, etc.

11. If anyone condemns matrimony, and abhors procreation, like Manichæus and Priscillian, etc.

12. If anyone says that the formation of the human body is a work of the devil, and that conception in the womb of woman is produced by the action of demons, and therefore does not believe in the resurrection of the flesh, like Manichæus and Priscillian, etc.

13. If anyone says that the production of all flesh generally is not a work of God, but of evil angels, as Manichæus and Priscillian taught, etc.

14. If anyone declares flesh meat, which God has given to man for use, to be unclean, and so abstains from it, not for the chastening of the body, but because of its supposed uncleanness, so that he does not use even vegetables cooked with flesh, like Manichæus and Priscillian, etc.

15. If a cleric or monk adopts any other woman besides his mother, or sister, or aunt (*thia*), or other near blood relation, and keeps them with him and dwells with them, as the Priscillianist sect teaches, etc.

16. If anyone on the Thursday before Easter, at the *Cœna Domini*, does not, at the appointed time, after hours, keep Mass (*missas non tenet*) fasting in the church, but, after the manner of the Priscillianist sect, keeps the festival of that

day, after terce, with their fast discontinued by a Mass for the dead, etc.

17. If anyone reads the Scriptures, as falsified by Priscillian in accordance with his heresy, or the treatises of Dictinius which he wrote before his confession, or any other books of heretics, which they have invented under the names of patriarchs, prophets, or apostles, and receives or defends their impious fabrications, etc.

After the completion of this first business of the Synod, many older disciplinary canons of Œcumenical and special Synods were read, and also a letter from Pope Vigilius to Profuturus, the former bishop of Braga, of date 538,[1] with reverent recognition of the authority of the apostolic see; and then twenty-two new capitula were drawn up for the securing of greater uniformity in ecclesiastical matters:—

1. One and the same kind of psalmody shall be used in morning and evening divine services everywhere, and nowhere, particularly not in monasteries, must special uses prevail.

2. At the vigils or (= and) Masses of festal days the same lessons shall be read everywhere in the church.

3. Bishops must greet the people in the same manner as the priests, with *Dominus vobiscum*, as has been the practice in the whole of the East since the time of the apostles, and they must not adopt the alteration introduced by the Priscillianists.[2]

4. Mass must be celebrated everywhere in accordance with the formulary (*Ordo*), which was sent in writing from Rome, and received by Profuturus, a former metropolitan of Braga.

[1] Mansi, t. ix. p. 777; Hardouin, t. ii. p. 1429, under the wrong address, *Ad Eutherium*.

[2] The Priscillianists required that the bishop, in greeting, should say *Pax vobis*, the priest, *Dominus vobiscum*. Our Synod declares this to be an innovation, and so far with right, when the Priscillianists prescribed a difference between the greeting of the bishop and that of the priest. But the use of the *Pax vobis* is in itself no innovation; on the contrary, this was, in the early Church, the ordinary formula of greeting for bishops and priests, particularly in the East. The *Dominus vobiscum* seems to have first become universally prevalent when heathens and heretics were also allowed, without hindrance, to be present at divine service. The *Pax vobis* was then reserved for the faithful. Cf. Lüft, *Liturgik*, Bd. ii. S. 76 and 77.

5. So in regard to baptism.

6. Bishops shall sit according to the time of their ordination; but the metropolitan has the first rank.

7. All Church revenues are to be divided into three parts: for the bishop, for the other clergy, for the repair and the *luminaria* of the church (sec. 222). Of the latter portion the archpresbyter, or archdeacon who administers for him, must give an account to the bishop.

8. No bishop must ordain a strange cleric without written permission from his bishop.

9. Deacons are not to wear the Ovarium (Stole) under the tunic (tunicella, dalmatic), but on the shoulder (in sight), because otherwise they could not be distinguished from the subdeacons.

10. Not every lector, but only the subdeacons are allowed to bear the holy vessels of the altar.

11. Lectors are not allowed to sing in church in secular clothing, nor to wear long hair.[1]

12. Besides the Psalms of the Bible of the Old and New Testaments, nothing poetical shall be sung in the church, as the holy canons prescribe.

13. No layman may enter the sanctuary of the church, but only clerics for the reception of the communion.

14. Clerics who eat no flesh, must partake of vegetables cooked in flesh, in order to remove the suspicion of Priscillianism, under penalty of excommunication and deposition.

15. No one must hold intercourse with excommunicated persons.

16. No commemoration of suicides is to be made at the sacrifice, nor shall their bodies be buried with psalmody. So also with regard to criminals executed.

17. So with catechumens who die before baptism.

18. Corpses must not be interred within churches, but, for the most part, outside the walls of the church.

19. A priest who ventures, after being forbidden, to consecrate the chrism, or to consecrate churches or altars, shall be deposed from his office (vol. ii. sec. 112, c. 20; and 406 below).

[1] "Neque granos gentili ritu dimittant." Du Cange (*s.v. grani*) thinks that *grani* does not mean hair generally, but the beard.

20. No layman is to be made priest until he has learnt the ecclesiastical discipline a whole year as lector or subdeacon, and has risen through all the orders up to the *Sacerdotium*.

21. That which has been presented by the faithful, or which has been offered for prayers for the departed, must be collected by a cleric, and distributed, once or twice a year, among all the clerics, since a great inequality and thence discord arises, when each one is allowed to retain for himself the offerings which fall in his week.

22. The more ancient canons read in this Council must be observed by all, under pain of deposition.

At the close, the metropolitan requested the bishops individually to publish these ordinances in their dioceses, and to excommunicate all clerics and monks infected with the Priscillianist heresy, under penalty of proper excommunication.[1]

For the carrying out of the 7th canon of the third Synod of Paris, Leontius, metropolitan of Bordeaux, assembled the bishops of his province, in the year 563, at Xaintes (*Concilium Santonense*, i.), in order to depose Emerius, the bishop of this city, because he had been intruded in an uncanonical manner. King Chlotar I. had ordered him to be consecrated without the assent of the metropolitan and in his absence. In his place the Synod raised Heraclius, a priest of Bordeaux, to be bishop of Xaintes, and sent him to Paris, to King Charibert, in order to obtain his assent. On his way thither he requested Euphronius, archbishop of Tours, to subscribe the synodal decree; but he refused. It was still worse in Paris; for King Charibert was furious with them for wanting to invalidate an ordinance of his father Chlotar. He caused Heraclius to be placed on a car full of thorns, sent him into exile, restored Emerius, and fined Archbishop

[1] Mansi, t. ix. p. 773 sqq.; Hardouin, t. iii. p. 247 sqq.; Bruns, pt. ii. p. 29 sqq.; Aguirre, *Concilia Hispan.* t. ii. p. 292 sqq. Best in the new collection of Spanish canons—"Coleccion de Canones de la iglesia española, por Don Francisco Ant. Gonzalez, con notas e illustraciones por D. Juan Tejada y Ramiro," Madrid 1849, t. ii. p. 606 sqq. Cf. Remi Ceillier, *l.c.* p. 779; Mandernach, *Gesch. des Priscillianismus*, 1851, S. 72 sqq., and Ferreras, *Gesch. von Spanien*, Bd. ii. S. 252 sqq.

Leontius a thousand pieces of gold, and the other members of the Synod in proportion. So it is related by Gregory of Tours, *Hist. Franc.* lib. iv. c. 26.[1]

Gregory of Tours (*ibid.* lib. v. c. 21) also refers to the second Synod of Lyons, which took place A.D. 567. Occasion for it was given by two bishops, Salonius of Embrun and Sagittarius of Gap (*Vapingum*), who had been guilty of several acts of violence, murders, adulteries, and other crimes. In particular, they had fallen upon Victor, bishop of Augusta Tricastinorum (S. Paul de trois Chateaux), as he was celebrating his birthday, with an armed band, ill-treated and robbed him, and killed his servants. When King Guntram of Orleans learnt this, he ordered the Synod of Lyons to be held. Those two bishops were here found guilty and deposed. They appealed to Rome, and Pope John III. ordered them to be restored, which, in fact, was carried out by the King. Immediately they became reconciled to Bishop Victor, who again entered into communion with them. For this reason he was put out of communion by the bishops who had been present at our Synod, because he had renewed intercourse with one whom they had excommunicated, and this on a charge preferred by himself. So far Gregory of Tours. The matter of the two bishops was handled anew at the second Synod of Chalons, A.D. 579. (See below, sec. 286.)

The second matter of business at our Synod of Lyons was the drawing up of six canons:—

1. If bishops from one ecclesiastical province have a controversy, they must be content with the sentence of the metropolitan and the comprovincials. If the quarrel is between

[1] Printed in Sirmond, *l.c.* p. 319; Mansi, t. ix. p. 783; Hardouin, t. iii. p. 353. Gregory of Tours relates in detail that Heraclius, at his entrance, greeted the King with the words: "Salve, rex gloriose, sedes enim apostolica eminentiæ tuæ salutem mittit uberrimam." The King answered: "Numquid Turonicam adiisti urbem, ut papæ illius nobis salutem deferas?" To this Heraclius: "Pater Leontius tuus cum comprovincialibus episcopis salutem tibi mittit." We see from this that at that time the metropolitan sees, as here Tours and Bordeaux, were called *sedes apostolicæ*. Ruinant and, after him, the Abbé Migne have, in their editions of the works of Gregory, put *Romanam* instead of *Turonicam*, on the authority of a single codex; but certainly without right. Even in the expression *papiæ illius urbis* their lies an indication that the Pope κατ' ἐξοχήν is not meant.

bishops of different provinces, their metropolitans shall meet and decide the matter. If a bishop is injured by a colleague, or by anyone else, he must be defended by all his brethren in common.

2. That which bishops or other clerics have left by testament to the Church, or to anyone, shall remain unalterably in force, even if it is not quite in accordance with the *ordo* of the secular laws. Whoever interferes with such a legacy is shut out from all communion with the faithful until he makes restitution.

3. Whoever makes, or endeavours to make, a slave of one who has long lived in peace without question as to his (free) position, is to be excommunicated until he makes restitution.

4. If anyone is excommunicated by a bishop, he shall be regarded as excommunicated by all other bishops, until he who excommunicated him thinks him worthy of being received back.

5. That which former bishops have granted to any clerics, either from Church property in usufruct, or from their own property, to become theirs, future bishops must not venture to withdraw. If, however, these clerics have done wrong, the punishments shall be inflicted according to the quality of the person, and in accordance with the canons, on their persons, and not on their possessions.

6. In the first week of the ninth month, before the first Sunday in the month, all churches shall hold processions for intercession, in the same way as they are held, according to the ordinance of the Fathers, before the festival of the Ascension.

The minutes are subscribed by the two metropolitans, Philip of Vienne and Nicetius of Lyons, and also by six bishops and six representatives of bishops from the provinces of Vienne, Lyons, Trier (Trèves), and Arles.[1]

Almost contemporaneous with the Synod just named was the second at Tours, where, on November 17, 567, in the Basilica of S. Martin, nine bishops, among them Euphronius,

[1] Mansi, t. ix. p. 786 sqq.; Hardouin, t. iii. p. 354 sqq.; Sirmond, t. i. p. 325 sqq.; Bruns, pt. ii. p. 222 sqq.

archbishop of Tours (President); Prætextatus, archbishop of Rouen, and S. Germanus of Paris, met, with the consent of King Charibert, for the restoration of ecclesiastical discipline. They summed up their ordinances in twenty-seven canons:—

1. Two provincial Synods shall be held annually, or if this should prove impossible, as in the past, then every year one at least. Only sickness, and nothing besides, not even a royal command, excuses non-appearance. If a bishop does not appear, he must remain in a state of exclusion from the communion of his colleagues until the next great Synod, and no bishop of any other province may have communion with him.

2. If bishops have quarrels among themselves, they must select priests (*presbyteros*) as umpires and mediators. If any one does not obey the sentence of those judges and mediators chosen by both sides, he shall be punished by the Synod.

3. "Ut corpus Domini in altari non in imaginario ordine sed sub crucis titulo componatur." Some translate: "The body of the Lord, *i.e.* the particles of the broken consecrated bread, shall be laid upon the altar, not in an arbitrary order, according to the particular fancy of the priest, but in the form of the cross." Others translate: "The body of the Lord shall not be placed on the altar in the series of the pictures, but shall be preserved under the cross." That the former explanation is preferable has been shown by Binterim, *Denkwürdigkeiten*, Bd. ii. Thl. ii. S. 166 f., note *, and Drs. Schwarz and Laib in the *Studien über d. christl. Altar*, Stuttgard 1857, S. 30. The same is clear also from the Mozarabic Liturgy, which prescribed a cruciform arrangement of the sacred particles (cf. the author's treatise on Cardinal Ximenes, 2 Aufl. S. 160). It is further here to be remarked, as we have already seen (vol. iii. sec. 162), that in Gaul, as in Rome, the usage prevailed, during the Mass, to lay upon the altar a host previously consecrated, and to cast a portion of this host into the chalice. The particles of this host were ordered to be laid in the form of the cross.

4. As well at the vigils as at the Masses, the laity are not allowed to stand among the clergy near the altar on which the holy mysteries are solemnised; but the space between

the railing and the altar is appointed only for the choirs of the singing clerks. At prayer, however (*i.e.* at private prayer, distinct from the divine service), and at communion, laymen, and also women, shall, in accordance with custom, enter the most holy place (*sancta sanctorum*).

5. Every community shall support its poor, and the poor shall not wander about in strange cities.

6. No cleric or layman must grant *epistolia*. This belongs to the bishop alone. (Sec. 247. Orleans, 2, c. 13.)

7. No bishop may depose an abbot or archpresbyter without consultation with the other abbots.

8. If a bishop knows that anyone is excommunicated by another bishop, and maintains communion with him, he himself is to be deprived of communion until the next Synod.

9. In the province of Armoricum no one must consecrate either a Breton or a Roman to be bishop, without the assent of the metropolitan and his comprovincials, under penalty of exclusion from the communion of the bishops until the next Synod.

10. No bishop, priest, deacon, or subdeacon may have with him any other woman than his mother, sister, or daughter to manage his household affairs; nor yet a woman belonging to a monastery, nor a widow, nor a maid.

11. No bishop must be negligent in carrying through this ordinance. The metropolitan must support his comprovincials in this, and they their metropolitan.

12. The bishop must regard his wife only as his sister. Wherever he resides he must be surrounded with clergy, and his abode and that of his wife must be separated from one another, that the clergy who serve him may come into no contact with the maidservants of the bishop's wife.

13. A bishop who has no wife (*episcopam*) must have no woman in his retinue, and the clergy who serve him have the right to drive strange women out of the residence of the bishop.

14. No priest or monk must sleep in the same bed with another, in order to avoid every evil suspicion. The monks, moreover, are not to live alone, or by twos in separate cells, but all in common in one *schola* (= *dormitorium*, cf. Du Cange, *s.v.*), under the supervision of the abbot or provost. At the

same time, two or three must keep awake and read in turns, while the others rest.

15. Whoever has entered a monastery must not leave it again and marry. If anyone does so, he is to be excommunicated, and, if necessary, with the help of the secular judge, must be separated from his wife. If the judge will not give this assistance, he is also excommunicated. Whoever defends a monk who has defiled himself by such a union is, like him, excommunicated until the monk returns to the monastery, and does the penance which the abbot lays upon him.

16. No woman may enter a man's monastery. An abbot who suffers such a thing is excommunicated.

17. In regard to the fasts of monks the old ordinance shall continue. From Easter to Pentecost (*Quinquagesima* = *Πεντεκοστή*), with the exception of the Rogation Days, a *prandium* (breakfast or luncheon, before the *cœna*, about midday) shall be prepared daily for the monks. After Pentecost they shall fast for a week, and thenceforward, until the 1st of August, they shall fast three times a week, Monday, Wednesday, and Friday, except the sick. In August there shall be *prandium* daily, because there are daily *Missæ Sanctorum* (not *de feria*). In September, October, and November, again, the fasts must be three times a week, as before; but in December, until Christmas, daily. From Christmas to Epiphany there shall be daily *prandium*, because every day is a festival. Excepted are only the three days in the beginning of January, in which the fathers, in order to oppose the heathen usages, ordered private litanies. On the 1st of January, the festival of the Circumcision, Mass shall be sung at eight o'clock. From the Epiphany until Lent there must be three fasts in the week.

18. In honour of S. Martin the following use of the Psalter shall be observed, both in his church and in others: On feast days (according to another reading, *Æstivis diebus*), at matins, six antiphons with every two psalms shall be sung; in the whole of August are *manicationes* (*i.e.* early rising, cf. Du Cange, *s.v.*), because in this month there are festivals and Masses of saints; in September there are seven antiphons with every two psalms; in October, eight with every three

psalms; in November, nine with every three psalms; in December, ten with every three psalms; and the same number in January and February until Easter, more or fewer, as may be possible. But at matins there must never be fewer than twelve psalms, as at Sext six, and at the Duodecima twelve, with Hallelujah. If anyone takes less than twelve psalms at matins, he shall fast until evening, and then partake only of bread and water. Only in the next day may he again take refreshment.

19. As very many archpriests in the country, and also deacons and subdeacons, rest under suspicion of continuing intercourse with their wives, the archpriest must always have a cleric with him, who accompanies him everywhere, and has his bed with him in the same cell. In this seven subdeacons or lectors or laymen can change with one another. The remaining priests, deacons, and subdeacons shall take care, in the country, that their female slaves shall always live where their wives do; they themselves shall dwell and pray in their cells alone. If a priest has intercourse with his wife (*presbytera*), a deacon with his deaconess, a subdeacon with his subdeaconess, he is excommunicated for a year, deposed from his clerical office (for ever), and placed among the laity. He may sing only among the lectors. A priest who lives with his wife must not be reverenced by the people, but disapproved of, because he is a teacher, not of continence, but of vice.

20. Virgins who have taken the veil, and widows who have assumed the vow, must not marry again under penalty of excommunication (renewal of older ordinances of the second Synod of Arles, c. 52; see sec. 164; and of the Synod of Carthage, A.D. 418, c. 18, formerly erroneously attributed to the Council of Mileve; see vol. ii. sec. 119). The excuse does not avail that a virgin has altered her raiment (taken the veil) in order not to be defiled by an inferior;[1] for it has

[1] The Council of Carthage (Mileve) had, in canon 18, supposed the case, that a virgin takes the veil because some powerful person would compel her to marriage. This passage is repeated in our canon, which thus proceeds: "Excludatur excusationis inventio, quod propterea se veste mutaverit, ne eas *inferiores* personæ macularent."

been confirmed by Kings Childebert, Chlotar, and Charibert, that no one may compel a maiden to marriage against the will of her parents (sec. 284). If, then, a virgin fears violence, let her flee into the church until her relations can rescue her; and then she may marry. If, however, she changes her habit, she must abide by her purpose. In regard to widows, however, one may not say that they could marry again because they have not been dedicated. Their dedication is certainly forbidden; but their vow is still binding. (Vol. iii. sec. 162, c. 27.)

21. The old canons in regard to incestuous marriages shall remain in force. Several of them, belonging to the Synods of Orleans, Epaon, and Clermont (secs. 224, 231, 249) are adduced with passages from Scripture (Lev. xviii. 4 sqq., etc.).

22. Some still hold fast the old error, that they should honour the 1st of January. Others, on the festival of the See of Peter, present meat offerings to the dead, and partake of meats which have been offered to demons. Others reverence certain rocks, or trees, or fountains, etc. The priests should root out these heathenish superstitions.

23. Besides the Ambrosian hymns which we have in the canon, others also may be sung which are worthy of it, if the authors are named.

24. The property of the Church must not take harm by the mutual wars of the Frankish Kings against one another. If anyone (in warlike inroads into another part of the Frankish kingdom) plunders or confiscates Church property, he shall be exhorted to restitution; and if he remains obstinate, he shall at last be punished by all the bishops in common, with the singing of the 108th psalm [109], not only with excommunication, but also with anathema until his death. (Excommunication and anathema were, in ancient times, employed for the most part as identical. Where the two expressions are distinguished, anathema signifies the *excommunicatio major*, whilst by excommunication we are to understand only exclusion from the holy communion (*minor*). Later, however, after the appearance of the collection of decretals of Gregory IX. (thirteenth cent.), by anathema was

understood the greater excommunication emphasised by execrations, etc. See Kober, *Kirchenbann*, S. 37 ff. Cf. below, on the third Synod of Braga, where we read of a solemn excommunication with the singing of Psalm 108 [109].)

25. Partial repetition of the first canon of the third Synod of Paris, in regard to Church property (sec. 284).

26. Judges or magnates who oppress the poor shall be excommunicated, unless they reform at the exhortation of the bishop.

27. It is not merely sacrilegious, but heretical, if a bishop takes money for the ordaining of clerics, as is explained in the book *De dogmatibus ecclesiasticis* (of Gennadius). Both the giver and the receiver of the money shall be excluded from the Church until the next Synod.[1]

The Jesuit Sirmond recovered, from several MSS., a letter addressed to the Christian laity, either during the second Synod of Tours, or soon after it (as the superscription says), by four bishops who were members of that Synod, particularly Archbishop Euphronius of Tours. In this letter they summon the faithful to penitence and amendment, that they may escape the divine judgment which lies before them. The betrothed should put off their marriage, partly that by prayer and chastity they may propitiate God, partly that, if they perish in the misery lying before them, they may be cut off with a pure soul. From all property the tithe must certainly be paid, even every tenth slave, and so for every son the third of a pound must be given to the bishops for the redemption of prisoners. Enmities must be laid aside, incestuous unions dissolved.[2]

Two other letters have reference to our Council, namely, a letter of the Queen, S. Radegundis (widow of Chlotar I.), in which she petitions the bishops for confirmation of the women's convent established by her at Poitiers; and a second containing the answer.[3]

[1] Mansi, t. ix. p. 790 sqq.; Hardouin, t. iii. p. 355 sqq.; Sirmond, *l.c.* p. 329 sqq.; Bruns, pt. i. p. 224 sqq. Cf. Remi Ceillier, t. xvi. p. 784 sqq.

[2] Mansi, *l.c.* p. 808; Hardouin, *l.c.* p. 367; Sirmond, *l.c.* p. 343.

[3] Mansi, *l.c.* p. 810; Hardouin, *l.c.* p. 370; Sirmond, *l.c.* p. 345.

On the 1st of January 607 of the Spanish era, *i.e.* 569 of our chronology,[1] Theodomir of Galicia in Spain, the pious King of the Suevi, convoked the bishops of his kingdom in a Synod in the city of Lugo (*ad Lucum*), and, among other things, represented to them that his kingdom had too few bishoprics, and only one metropolitan see (Braga). The Synod was asked to assist in removing this evil. It did so, raised the city of Lugo to the rank of a second metropolis, designated other cities (not named) as episcopal sees, and circumscribed, with greater exactness, the Galician sees, now increased to the number of thirteen, so that no disputes might arise on that subject.

This short notice is all that can be discovered respecting the first Synod of Lugo. What the learned Garsias Loaisia further added in his *Collectio Conciliorum Hispaniæ* (1593) is partly spurious, *e.g.* the information disputing the circumscribing of the Spanish bishoprics under the Emperor Constantine the Great, partly it belongs to much later times. So with the tables of the Spanish archbishops and bishoprics which he added.[2] The editor of *España Sagrada*, Florez, in the fourth volume of this great work, has denied the existence of the Synod of Lugo, and his continuer, the Augustine Manuel Risco, in the fortieth volume of that work, defends the statement of his predecessor against the objections of the Dean of Lugo, in a comprehensive *Disertacion sobre los documentos de la santa Iglesia de Lugo, que se dicen Concilios Lucenses celebrados en el Reynado de los Sueoos*, p. 299 sqq.

More important is the third (properly second) Synod of Braga in Spain, to which Miso, King of the Suevi (son of Theodomir), summoned the bishops of the three ecclesiastical provinces (here named *utrumque concilium*) of his kingdom of Galicia, A.D. 572. The two archbishops, Martin of Braga (formerly bishop of Dumium) and Nitigisius of Lugo, were at their head, and the former presided.

[1] Garsias Loaisia, the earliest editor of the Spanish Councils (Cardinal Aguirre is about a century later), supposes that we should read 600 instead of 607. In that case this Council would belong to the year 562.

[2] Printed in Aguirre, *Concil. Hispan.* t. ii. p. 299 sqq. ; Mansi, t. ix. p. 815 sqq. ; Hardouin, t. iii. p. 373 sqq.

On his proposal, first of all were read the *capitula* of the former Synod of Braga, at which he had been present as bishop of Dumium, and for their completion two other canons were drawn up. They all refer to Church discipline; and it is remarkable how Archbishop Martin, in the year 572, could say there is *de unitate et rectitudine fidei in hac provincia nihil dubium*, whilst only nine years before the previous Synod of Braga held it necessary to oppose the Priscillianists so vehemently (see above in this section). Are we to think that this heresy had in the meantime been so weakened as to be extinguished? The 10th canon of our Synod makes reference to this.

The ten canons ordain:—

1. Bishops must visit their dioceses and see that the clergy rightly discharge their functions, particularly that the catechumens are exorcised twenty days before baptism, and are instructed in the creed. The bishops should exhort the laity to keep far away from all worship of idols and from vices.

2. On these visitation tours the bishops must demand of each church no more than two solidi (*in honorem cathedræ*), and from the parochial clergy they shall require no menial services.

3. Ordinations must be imparted without remuneration.

4. Henceforth nothing shall be paid for the small portion of balsam (chrism) sent to the churches by the bishop for use in baptism.

5. If a bishop is petitioned to consecrate a church he must demand nothing for this, but he may receive a voluntary gift. He is not, however, to consecrate a church unless he has previously received a deed as to its adequate endowment.

6. It has already happened that persons have built a church from selfish motives, and then appropriated one-half of the offerings there presented. A church of that kind no bishop must consecrate.

7. As many put off the baptism of their children because they are unable to pay the baptismal fees, these are for the future abolished, and the clergy must demand nothing for baptism, but may receive a voluntary offering.

8. If anyone accuses a cleric of fornication, he must have two or three witnesses (according to 1 Tim. v. 19), otherwise the accuser is to be excommunicated.

9. The metropolitan shall declare the date of the next Easter festival to the bishops, and at Christmas, after the Gospel, it shall be proclaimed by every clergyman to the people. At the beginning of Lent, *Litaniæ* shall be held for three days.

10. It is a relic of the Priscillianist heresy that some priests hold and consecrate Masses for the dead after having previously partaken of wine. If anyone henceforth ventures thus to consecrate after he has partaken of anything, he shall be deposed by the bishop.[1]

Some further canons, supposed to be of Braga, which Burchard cites from Worms and Gratian, are given by Aguirre and Mansi (*ll.cc.*).

Quite incredible is that which is related by the Spanish chronicler under Philip II., Hieronymus Moralis, and after him by Baronius, *ad ann.* 572, n. 10, respecting a second Synod of Lugo, A.D. 572. Even Florez and his continuator Manuel Risco have mentioned this in the *España Sagrada* (t. iv. n. xl. p. 252). It is quite correct that the often-named Archbishop Martin of Braga sent a collection and translation which he had made of eighty-four older Greek canons (Martin came from Pannonia) to Archbishop Nitigisius of Lugo, and *universo concilio Lucensis ecclesiæ*.[2] But by concilium is here, as above, to be understood nothing else than an ecclesiastical province.

In France the fourth Synod of Paris was now celebrated. Gregory of Tours refers to it (*Hist Franc.* lib. iv. c. 48; earlier, 42) when he says: In order to put an end to a disagreement between Kings Guntrum and Sigebert, Guntrum convoked the bishops of his kingdom at a Synod in Paris.

As is well known, Guntrum and Sigebert were brothers,

[1] Mansi, t. ix. p. 835; Hardouin, t. iii. p. 383; Aguirre, t. ii. p. 316; Bruns, pt. ii. p. 37. Given best in the new *Coleccion de canones de la iglesia española*, t. ii. p. 620 sqq. See above.

[2] This collection of Martin's is printed in Mansi, t. ix. p. 846 sqq.; Hardouin, t. iii. p. 390 sqq.; Aguirre, t. ii. p. 325 sqq.; and in the *Coleccion de canones*, p. 631 sqq.

the latter King of Austrasia, the former of Burgundy; both sons of Chlotar I. Besides these, their brother Chilperich possessed the kingdom of Soissons; but the eldest brother Charibert had died A.D. 570, and they had divided his kingdom among them. There was hardly any cessation of war between the brothers, and although Guntrum and Sigebert partly united with one another against Chilperich, yet they were frequently in a state of hostility towards each other; so that it is unnecessary, with Valesius and Le Cointe, to alter the text of Gregory, as if he said: "In order to stop a quarrel between *Chilperich* and *Sigebert*, Guntrum convoked the Synod."

The subject of the dispute between Guntrum and Sigebert was the appointment of a bishop at Chateaudun (Castello-Dunum). This castle belonged to the diocese of Chartres, but to the kingdom of Sigebert, whilst Chartres was under Guntrum. With Sigebert's assent, Archbishop Ægidius of Reims consecrated the priest Promotus as bishop of Chateaudun, and thus raised this city to be a bishopric and separated it from the diocese of Chartres, without, however, any assent from Pappolus, bishop of Chartres. The latter made complaint at the fourth Synod of Paris, which was held on the 11th of September 573, in the Basilica of S. Peter (afterwards S. Geneviève). It was attended by thirty-two bishops and one priest as the representative of his bishop, and numbered among its members six metropolitans, Philip of Vienne, Sapaudus of Arles, Priscus of Lyons, Constitutus of Sens, Laban of Eause, and Felix of Bourges. Naturally S. Germanus of Paris was also present. They all subscribed the synodal letter to Archbishop Ægidius of Reims, in which his conduct was severely blamed, and the deposition of Promotus pronounced. In a second letter they exhorted King Sigebert no longer to protect that injustice.[1]

In the latter letter, they say, among other things, that the Synod had been summoned *non absque conniventia* of Sigebert. But these seem to be only words of courtesy. Had Sigebert consented to examine the matter *synodaliter*,

[1] Mansi, t. ix. p. 865 sqq; Hardouin, t. iii. p. 462 sqq.; Sirmond, t. i. p. 350 sqq.

many bishops would have come out of his kingdom also to Paris, whilst those who were present belonged almost entirely to the dominion of Guntrum.

From another expression of our Synod at the beginning of its letter to Archbishop Ægidius of Reims it seems to come out, that that controversy was not the only subject of its transactions, for it says: "Dum pro causis publicis, *privatorumque querelis Parisiis moraremur*; but we know nothing further on the subject.

We further learn from Gregory of Tours (*Hist. Franc.* vii. 17), that Promotus was deposed after the death of Sigebert his king (575), and that his endeavours for restitution remained without effect.

Sec. 286. *The Synods between the Years* 575 *and* 589.

To the year 575 belongs an Irish *Concilium mixtum* (a kind of Parliament and Synod united), which was celebrated under King Aedh or Aidus at Drum-ceitt (*dorsum ceti* = whale's back) on the sea (now Drumkeath, in County Londonderry). S. Columba, the great national saint of Ireland and apostle of Scotland, was also present; and it was his eloquence that succeeded, in spite of the King's will opposing, in securing the continuance of the bards, who had now for long been Christians; and now celebrated in song, as other Irish heroes, so also S. Columba, and this with special partiality. Moreover, the Irish monarch disclaimed, at this Synod, all supremacy over Albingens, King of the Dalriads, the Irish settlers in Scotland. S. Columba appears also to have brought this about.[1]

In the same year, 575, was Sigebert, already mentioned as Frankish King of Austrasia, assassinated, whilst he was making war on his brother Chilperich, King of Soissons and Paris. His widow, Brunchilde, was taken at Paris, and exiled to Rouen. During her imprisonment, Merovæus, Chilperich's son by his first marriage, had conceived an affection for her, and now married her at Rouen, without his father's knowledge. In order to escape from the anger of

[1] Montalembert, *Moines de l'Occident*, vol. iii.

Chilperich, they were both forced speedily to separate, and Brunehilde betook herself to Metz, to her young son, Childebert II., King of Austrasia. Between Chilperich and Merovæus, however, there arose so violent an enmity, that the son rebelled against the father, who excluded him from the succession, chiefly at the instigation of his wife Fredegunde, who wanted to cast out her stepson and obtain the whole inheritance for her children. Under her influence, Chilperich, when the fortune of war became more favourable to him, persecuted all the friends of Merovæus, and, among them, in particular, Prætextatus, archbishop of Rouen. He had him imprisoned, and sent him for condemnation before the fifth Synod of Paris, A.D. 577. As no Acts of this Synod are still extant, we know it only from Gregory of Tours (*Hist. Franc.* lib. v. c. 19). There were forty-five bishops, among them Gregory himself, assembled at Paris in the Basilica of S. Peter (later S. Geneviève). King Chilperich appeared in his own person, and complained that Archbishop Prætextatus had, in opposition to the canons, married Prince Merovæus to his aunt Brunehilde, had excited him to rebellion, had won the people over to him by presents, and had plotted the overthrow and death of the King, in order to raise up Merovæus in his place. False witnesses confirmed the accusation. After the King had gone out, Gregory of Tours, in a fine address, endeavoured to restore courage to the intimidated bishops, so as to secure an impartial consideration of the subject, but two colleagues denounced him (as it seems, Bertram of Bordeaux and Ragnemod of Paris). He was forced to appear before the King; but would not be won over either by threats or by flatteries; nor would he be won by the presents of Fredegunde.

Next day, at the second session, the King appeared again, and accused Archbishop Prætextatus of theft. He said he had made away with gold and valuables worth 5000 solidi. Prætextatus was able to show that these things were the property of Brunehilde, left by her in Rouen, and that the King himself well knew of this deposit. Chilperich saw that his proofs did not suffice, and that another way must be chosen.

Some courtiers now had recourse to Prætextatus, and represented to him, under the appearance of goodwill, that he would most easily again obtain the favour of the King, if he would comport himself humbly before him and confess his faults. If he were to do this, the King would immediately forgive him. The archbishop consented to this, cast himself, at the third session, at the feet of Chilperich, and confessed that he had been in fault, and had plotted against the life of the King, in order to put the prince in his place. But the promised pardon did not follow. On the contrary, the King cast himself on his knees before the bishops, and demanded condemnation. Raised up again by the weeping bishops, he betook himself immediately to his residence, and then sent to the Synod a collection of canons, to which a new section was appended, containing the so-called apostolic canons. The 25th (24th) of these declares that a bishop, if he is guilty of fornication, or perjury, or theft, shall be deposed, but not deprived of communion (see App., can. 25 in vol. i.). In the copy which the King sent, there was added "or murder"; and Chilperich now demanded not merely deposition, but solemn excommunication of the archbishop, with the singing of Psalm 108, and its forms of cursing. As the bishops, by the advice of Gregory of Tours, did not consent to this transgression of the canons, the King had Prætextatus arrested, on account of an attempted flight, severely beaten, and then deported to an island near Coutances in Normandy.[1] Melanius or Melantius received the see of Rouen; but after the death of the King (584) the citizens of Rouen brought Prætextatus back with great rejoicings. He betook himself immediately to Paris, to King Guntrum, the guardian of the young Chlotar II. (son of Chilperich), and demanded a new inquiry. The Queen-widow, Fredegunde, maintained that he had been deposed by forty-five bishops; but, as Bishop Ragnemod of Paris declared that only penance had been imposed upon him, and not complete deposition, he was received into favour by the King, and restored to his bishopric.[2]

[1] Gregor. Turon. *Hist. Franc.* lib. v. c. 19, printed in Mansi, t. ix. p. 875 sq.; Hardouin, t. iii. p. 406; Sirmond, *l.c.* t. i. p. 357.

[2] Gregor. Turon. *Hist. Franc.* lib. vii. cc. 16 and 19.

We cannot ascertain with certainty the time at which the *Concilium Brennacense* was held. Gregory of Tours, here our only authority, gives no very exact information on the subject, and the suppositions range between 577 and 581. In earlier times it was assumed that Braine, near Soissons, was the place at which this Synod was held; but Abbé Lebeuf has shown clearly that we must think of the royal domain of Berni (Bergni, Bargni) between Paris and Soissons (fourteen leagues from Paris, and seven from Soissons).[1] On this occasion Gregory of Tours himself is on his trial. Leudastes, who had raised himself from the lowest rank, through every kind of grade, up to the dignity of a count or governor of Tours, and in this capacity had been guilty of much wrong-doing and violence, informed King Chilperich that Gregory of Tours had accused Queen Fredegunde of adulterous intercourse with Bishop Bertechram (Bertram) of Bordeaux. Chilperich, therefore, held the Synod of Berni, and Gregory purged himself there, since he denied under oath that he had originated that accusation against the Queen. He was thereupon declared innocent, and Leudastes, who had taken to flight, was punished with general excommunication.[2]

We referred above to Bishops Salonius and Sagittarius, and mentioned that they were deposed by the second Synod of Lyons in 567, but had been restored by Pope John III. As, however, they persevered in their offences, King Guntrum convoked the second Synod of Chalons sur Marne on their account, A.D. 579. They were accused of adultery, manslaughter, and high treason, deposed, and detained in the Basilica of S. Marcellus. Subsequently they succeeded in escaping; but others obtained their sees.[3]

This or another Synod at Chalons is mentioned in an old document of doubtful genuineness, found among the manuscripts of the learned Jesuit Sirmond, but first communicated

[1] *Hist. de l'acad. des Inscript.* t. xxi. pp. 100–110.

[2] Gregor. Turon. *Hist. Franc.* lib. v. cc. 49 and 50. In Mansi, t. ix. p. 930; Hardouin, iii. p. 450; Sirmond, t. i. p. 369; de Sauclières, *Conciles*, ii. 514; Gousset, *Actes de Reims*, i. 35.

[3] This is related by Gregory of Tours, *Hist. Franc.* lib. v. c. 28, and lib. iv. c. 43; Mansi, t. ix. p. 919; Hardouin, t. iii. p. 447; Sirmond, t. i. p. 367.

by the later collectors of Councils, Labbe, Hardouin, and Mansi. According to this document, a pious woman at Maurienne received intelligence from some monks, who came from Jerusalem, of the relics of S. John the Baptist, and did not rest until she discovered them. Thereupon King Guntrum had a church built at Maurienne, and, at a Synod at Chalons, Felmasius was ordained as the first bishop of Maurienne, in the ecclesiastical province of Vienne.[1]

To the year 579 also that Synod of Xaintes (Santonensis) probably belongs, at which Count Nantinus of Angoulême gave back the Church property which he had seized, and so was released from the sentence of excommunication which Bishop Heraclius of Angoulême had suspended over him.[2]

We have spoken of the supposed Synod of Grado, of A.D. 579, in the history of the controversy on the three chapters (sec. 280), and therefore we now pass on to the first Synod of Macon (Matisconensis I.), which was summoned by the Frankish King Guntrum in the year 581. It was attended by twenty-one bishops from several ecclesiastical provinces, and the most distinguished were the four archbishops, Priscus of Lyons, Evantius of Vienne, Artemius of Sens, and Remedius of Bourges. The Synod occupied itself, according to the *Præfatio* of the minutes, partly with public affairs, partly with the care of the poor, and drew up nineteen canons:—

1. Bishops, priests, and deacons shall have no intercourse with strange women. Only grandmother, mother, sister, or niece may, when necessary, live with them.

2. No cleric or layman, unless he is of proved virtue and of advanced age, may for any reason[3] enter a nunnery and have private converse with the nuns; and in general they must only come into the common room. Jews, in particular, must not have access to nunneries.

3. No woman may enter a bishop's chamber, unless two priests or deacons are present.

[1] Mansi, *l.c.* p. 921; Hardouin, *l.c.* p. 448.

[2] Gregor. Turon. *l.c.* lib. v. c. 37; Mansi, *l.c.* p. 922; Hardouin, *l.c.* p. 450.

[3] Instead of *præter* utilitatem, we must read *propter*, with the Codex regius B.

4. If anyone retains what departed persons have offered to the Church, he will be excommunicated.

5. No cleric may wear secular garments, shoes, or weapons. If he does so, he shall be imprisoned for thirty days, and kept on bread and water.

6. An archbishop may not say Mass without the pallium.

7. If a secular judge imprisons or punishes a clergyman without the assent of the bishop, except for criminal causes, *i.e.* murder, theft, and fraud, he must be excluded from the Church by the bishop at his pleasure.

8. No cleric may bring another before a secular judge. If a younger (inferior) cleric does so, he is to receive forty blows save one; if he belongs to the higher clergy, he is to be imprisoned for thirty days.

9. From S. Martin's Day until Christmas, a fast must be kept on Monday, Wednesday, and Friday of each week (*sabbati*, cf. Du Cange, *s.v.*). The Sacrifice must be offered after the manner of the Lenten season. The canons, too, shall be read at this time, so that no one may plead ignorance in defence of a fault.

10. Clerics may not, without the bishop's permission, celebrate feast days elsewhere.

11. Higher clerics who persist in connubial intercourse are deposed.

12. A virgin vowed to God, who marries, shall, together with him to whom she has united herself, be excommunicated to the end of life. If both, in penitence, dissolve their union, the bishop shall exclude them from communion as long as he thinks good.

13. Jews may not be judges or tax-gatherers over Christians.

14. From Thursday in Holy Week to the Easter festival, in accordance with an ordinance of the late King Childebert, Jews may not show themselves on streets and public places, because they have done so to insult Christians. Moreover, they must testify respect to all clerics, and must not sit down before priests, unless they are invited to do so.

15. No Christian may partake of meals with Jews under penalty of excommunication.

16. No Christian must henceforth be slave to a Jew; and if a Jew has a Christian slave, any Christian can purchase him for 12 soldi, either in order to set him free, or to employ him as his own slave. If the Jew is not contented, and hesitates to accept the sum defined, the Christian slave may live with Christians where he will. If, however, a Jew is convicted of having wanted to persuade a Christian slave to apostasy, he loses the slave and the right to make a will.[1]

17. If anyone misguides, or seeks to misguide, another to false witness or perjury, he is to be excommunicated for life. Those who agree with him in his perjury are dishonourable, and may not again offer evidence.

18. If anyone accuses the innocent before the judges or the King, if a layman, he is to be excommunicated; if a higher cleric, to be deposed, until he has given satisfaction.

19. The nun Agnes has given largely of her property to magnates, in order, through them, to obtain protection in her disorderly free life. Giver and receivers are excommunicated.[2]

Among the heretical Synods of this time we note only a single one, the Arian Synod at Toledo in 581 or 582; and for this reason, that its members, returning to the orthodox Church at the Synod of Toledo of 589, themselves made reference to this earlier assembly.—Leovigild, King of the West Goths, known as a violent, persecuting Arian, summoned, in the twelfth year of his reign (581 or 582), his Arian bishops to a Synod at Toledo, and they decided that the Catholics who went over to Arianism should not be rebaptized, but should only be purged by the laying on of hands. Also, the form of doxology, "Glory be to the Father through the Son," etc., should be used.—In consequence of this ordinance, as we are informed by the Spanish chronicler John Biclariensis, a contemporary, many Catholics were perverted. That this Synod also published a *Libellus*, in

[1] Cf. Möhler, on the abolition of slavery, in his collected writings, vol. ii. p. 119; and the author's treatise on slavery in the *Kirchenlexicon* of Wetzer and Welte.

[2] Mansi, t. ix. p. 931 sqq.; Hardouin, t. iii. p. 450 sqq.; Sirmond, t. i. p. 370 sqq.; Bruns, pt. ii. p. 242 sqq.

order to bring about the perversion of the Romans (the Roman provincials) to Arianism, is mentioned at the third Synod of Toledo[1] (589).

On the 22nd of May 583 there met at Lyons (Lugdunensis III.), under the presidency of Priscus, the archbishop of that place, seven bishops and several representatives of bishops, from different ecclesiastical provinces, and ordained:—

1. Clerics, from a subdeacon upwards, must have no strange woman in the house, and the married clergy may not live with their wives.

2. If bishops send out letters of recommendation to a needy person, or a prisoner, the signature must be indubitable, and at the same time there should be noted how high the sum runs for the redemption of the prisoner, and what needs he has.

3. Nuns who desert their nunneries are excommunicated until they return. Only the Viaticum may be granted to them.

4. In regard to incestuous marriages, the old ordinances prevail.

5. Christmas and Easter must be celebrated by each bishop in his own Church.

6. The lepers of every city shall receive food and clothing from their own bishop, and may not go abroad to beg.[2]

Of the second Synod at Valence,[3] in May or June 584, we know only that it confirmed the pious ordinances of King Guntrum and his family, and that there were present there forty bishops, under the presidency of Archbishop Sapandus of Arles.[4]

Of greater significance was the second Synod of Macon on the 23rd of October 585,[5] a kind of French general

[1] Mansi, t. ix. p. 941; Aguirre, *Concil. Hisp.* t. ii. p. 424. Cf. below, sec. 287.

[2] Mansi, t. ix. p. 942; Hardouin, t. iii. p. 455; Sirmond, t. i. p. 377; Bruns, *l.c.* p. 246.

[3] On the first Synod of Valence, see sec. 242.

[4] Mansi, t. ix. p. 946 sq., with the *Admotatio* on p. 947; Hardouin, *l.c.* p. 458; Sirmond, *l.c.* p. 379.

[5] This date appears from Gregor. Turon. lib. viii. cc. 1 and 7 and partly from the old superscriptions of the minutes.

Council. As already indicated, the whole jurisdiction of the Frankish dominion was divided into only three kingdoms, under Guntram of Burgundy, Chlotar II. of Paris, and Childebert II. of Austrasia (see Synod 4 of Paris in sec. 285). Actually, however, Guntram ruled two kingdoms, as he was guardian to Chlotar II., who was under age. From the two kingdoms subject to him the bishops were now assembled at Macon, forty-three in person, twenty by representatives, and, besides these, two bishops who had no sees of their own, namely, that Promotus of Chateaudun whom we noticed above, and Bishop Froniminus of Agde, who had been expelled by the Goths. Priscus, archbishop of Lyons, presided. He is named patriarch in the *Præfatio* of the minutes, a title with which, in former times, the primates of whole countries, *e.g.* the Bishops of Toledo and Canterbury, were not infrequently honoured.[1] Besides him there were present the Metropolitans Evantius of Vienne, Prætextatus of Rouen (lately restored), Bertechram of Bordeaux, Artemius of Sens, and Sulpitius of Bourges. Sapaudus of Arles had sent a representative.

The twenty canons treat:—1. Of the sanctifying of the Sunday. 2. Of the six days' feast of Easter (from Maundy Thursday to Easter Tuesday inclusive, all servile work is forbidden). 3. Cases of necessity excepted, no one must henceforth be baptized on any other day than on Easter Eve. 4. On all Sundays all the faithful, men and women, must offer bread and wine on the altar. 5. The old law, to pay tithes to the Church, is widely neglected, and must therefore be enjoined afresh. The tithe is to be expended for the use of the poor (also of the clergy), and for the redemption of prisoners. Whoever obstinately refuses it is for ever excommunicated. 6. The prescription of the Council of Hippo (vol. ii.), c. 28, that the Mass may be celebrated only by priests fasting, is renewed, and it is ordained that what is left of the consecrated bread, moistened with wine, should be given, as food, on Wednesday or Friday, to innocent children, who, however, must also be fasting. 7. Slaves who were made free in the church shall be protected by the bishops,

[1] Cf. Noris, *Hist. Synodi quintæ*, c. 10, ed. Baller. t. i. p. 784.

and controversies respecting their liberty are to be decided, not by the secular judges, but by the bishop. 8. The right of asylum shall remain in force. 9. It has happened that clergymen have been dragged by the secular power from their churches and put into public prisons. This must no longer be done; but anyone who has a charge against a bishop must bring his complaint before the metropolitan, who, in lighter cases, shall either himself, or with reference to one or two bishops, decide, and, in graver cases, bring them before a Council. 10. Similarly, no one may arrest a priest, or deacon, or subdeacon; but they must be accused before the bishop. 11. The bishops must exercise hospitality. 12. So also they must protect widows and orphans against ill-treatment by secular judges. The latter must not, under penalty of excommunication, sit in judgment on widows or orphans without having previously given information to the bishop or his archdeacon, etc., so that he may take part in the trial and in the judgment. 13. No dogs are allowed in the episcopal residence, so that the poor who seek refuge there may not be bitten. Falcons are also forbidden to bishops. 14. Magnates and those from the royal retinue must not destroy the lowly for their goods and possessions, on pain of anathema. 15. If a layman meets one of the more distinguished clergy, he shall honour him with a reverence. If a cleric and a layman meet each other, both on horseback, the latter shall greet the former by raising his hat. If the cleric is on foot and the layman on horseback, the latter must dismount and make his greeting. 16. The widow of a subdeacon, exorcist, or acolyte may not marry again, on penalty of being shut up in a nunnery. 17. If a female body is not yet decomposed, another male corpse must not be laid in her grave. Moreover, a corpse must not be laid in a grave which is the property of another, unless he allow it. 18. Incestuous marriages are forbidden. 19. Clerics may not be present at judicial condemnations of criminals, nor at executions. 20. After three years all must again meet in a Synod, and the bishop of Lyons shall appoint a place well situated for the purpose, with the acquiescence of the King. If anyone

stays away without reason, he is shut out *a charitate fratrum*[1] (sec. 284, Orleans 5).

We learn from Gregory of Tours that our Synod further deposed Bishop Faustianus of Dar (*Aquæ*), because he had been consecrated at the command of the insurgent Gundobald (the bastard of Chlotar I.). The three bishops who ordained him, Bertechram of Bordeaux, Orestes, and Palladius, were required to pay him 100 gold florins annually for his maintenance. Another bishop, Ursicinus, was suspended for three years, because he had held with Gundobald. A bishop, who had maintained that women could not be called human beings (*homines*) in the full sense, was reprimanded by the Synod. Finally, Prætextatus of Rouen read before them the discourses which he had prepared in exile.[2]

These ordinances of the Synod of Macon were published by King Guntram in a decree of November 10, 585, in which he enforced careful observance of the Sunday, threatened sinners of ecclesiastical and secular position with punishment, recommended judges to judge righteously, and this personally and not by deputies, and required bishops and judges not to conceal the faults of their subordinates, but to punish them.[3]

The Council of Auxerre was only a diocesan Synod, which Bishop Annacharius of Auxerre held, with seven abbots, thirty-four priests, and three deacons of his diocese. In the Collections of Councils it is assigned to the year 578, and put before the Acts of the second Synod of Macon, because some codices, in the superscription, give that date. But the similarity which many canons of Auxerre have with those of Macon led long ago to the supposition that Bishop Annacharius, who was present at the Synod of Macon, held a diocesan Synod in his episcopal city, soon after the close of that one, in order to introduce its ordinances into his diocese, and to draw up others for special purposes. The forty-five

[1] Mansi, t. ix. p. 947 sqq.; Hardouin, t. iii. p. 459 sqq.; Sirmond, t. i. p. 381 sqq.; Bruns, pt. ii. p. 248 sqq.

[2] Gregor. Turon. *Hist. Franc.* lib. viii. c. 20. Cf. Fehr, *Staat u. Kirche im Fränkischen Reiche*, Wien 1869, S. 17 sq.; and Moy, *Archiv für Katholisches Kirchenrecht*, Bd. xvii. S. 214 f.

[3] Mansi, Hardouin, Sirmond, *ll.cc.*

canons which were here drawn up present a good deal of linguistic and archæological difficulty :—

1. No one may, after a heathenish fashion, dress himself on the 1st of January like cows (or old women) and stags, or make diabolic new year's presents; but on this day no other gifts shall be made than have been customary. (Sec. 285, Syn. of Tours, c. 22. Cf. Du Cange, *Glossar. s.vv.* vetula, cervula, and strena.)

2. All priests (in the country) must before Epiphany send messengers to the bishop to ascertain the time of the beginning of Lent. They shall announce this beginning to their people at the Epiphany. (Syn. 4 of Paris, c. 9, in sec. 285.)

3. Private sacrifices in private houses and the spending of the night in church before the holy festivals are forbidden. Moreover, it is not allowed to abolish a vow at a thorn bush, or holy tree or fountain. On the contrary, if anyone has a vow upon him, he should watch in church and discharge it for the benefit of the *matricula* (register of the clergy) or of the poor. Moreover, no one must make images consisting of a wooden foot or man. (Instead of *lineo* (= linen), we should probably read *ligneo*, as the following canon suggests. On *compensum* = oblata, and *matricula*, cf. Du Cange, *s.vv.*)

4. No regard must be paid to soothsayers and predictions, nor to those who interpret the future (*caragus* or *caragius*, see Du Cange), nor to the *sortes sanctorum* (sec. 211, c. 16, of Chalons); nor look at that which they make out of wood or bread.

5. Even the night watches in honour of S. Martin are forbidden.

6. About the middle of Lent every priest should ask for the chrism. If, on account of sickness, he cannot come himself, he may make over this duty to the archdeacon (thus even in rural churches there were such) or the archsubdeacon. But the chrism must be carried in a *chrismarium* and linen cloth, like the relics. (*Chrismarium* = *theca*, in which relics and the chrism were preserved, the latter probably still in an *ampulla*; cf. Du Cange, *s.vv.*)

7. In the middle of May all priests—on the first of October all abbots—must come to a Synod in the city.

8. Only wine mixed with water may be offered at the consecration, and certainly not wine or any other liquid mixed with honey.

9. In the church no secular choruses or songs must be performed by girls, nor any banquets held.

10. It is not allowed to say Mass twice in a day at an altar, and at the altar at which the bishop has celebrated no priest may do so on that day.

11. Non licet in vigilia Paschæ ante horam secundam noctis vigilias perexplere, quia in illa nocte non licet post mediam noctem bibere (nec manducare); nec in natali Domini nec in reliquis solemnitatibus.

We thought it necessary to give the original text of this difficult canon. Only one point here is distinctly clear; that on the vigils before Easter, Christmas, and other festivals, nothing was allowed to be taken after midnight, whilst with the Greeks the fasts were continued only till midnight, and then the solemn Easter festival took place, as we see from the recently-discovered festal letters of S. Augustine (in Larsow's translation, S. 79, 94, and 113), and from c. 89 of the Trullan Synod of the year 692. But it is a question what the first sentence of our canon signifies. Fleury and other French scholars connected *noctis* with *vigilias*, understanding by this the night fasts, took *hora secunda* as second hour of the *day* (= seven o'clock in the morning), and translated: "The night by vigil fasts must not be ended before seven o'clock in the morning, for after midnight nothing more must be partaken of." This certainly gives a good meaning; but I doubt whether by *hora secunda* we could understand the second hour of the *day*. We shall meet with doubts on this subject.

Others connect *noctis* with *hora secunda*, and translate: "The vigils may not be ended before the second hour of the night," *i.e.* not before seven o'clock at night, since the night, at the season of Easter, began about six o'clock. But on this rendering it will be difficult to explain the *quia*, and to find a connection between the first and second sentence of our canon; for to the question, "Why should the vigils not end before seven o'clock in the evening?" the second sentence,

"Because after midnight nothing more must be taken," is no intelligible answer. Quite astray is the manner in which Binterim, instead of clearing up the difficulty, has further confused it. In the second volume of his *History of the German Councils* (S. 144), he translated: "Before the second night-hour it is not allowed, on Easter Eve, to end the vigils, because, on this night, it is not permitted to drink after midnight," and refers to his Memorials (*Denkwürdigkeiten*, Bd. v. Thl. ii. S. 157). Here, however, he was met by the misfortune, that he changed *post* mediam noctem into *ante* mediam noctem, and thence argued as if our canon prescribed that *before* midnight nothing was to be taken. But no single manuscript has *ante* instead of *post*, and the statutes of S. Boniface, which simply repeat this canon, give *post*.—Let us now see if light may not be cast upon our canon from some other quarter. About a hundred years *before* our Synod the Gallican Bishops S. Lupus of Troyes and Euphronius of Autun, wrote to Bishop Talasius of Angers: "Paschalis vigilia a vespere raro in *matutinum* usque perducitur"; and they add, at this *vigilia* are to be read the *Lectiones passionis*, the *Lectiones* of different books of the Bible, *quæ totæ habeant aliquid de præfiguratione aut vaticinio passionis* (Hardouin, t. ii. p. 791). According to this, then, by vigil is meant not merely the fast, as Fleury and others assume, but also the divine service of the vigil connected with the fast; and this seldom lasted in Gaul, in the fifth century, until after midnight and into the morning. Accordingly our canon can hardly have meant to require that these vigils should last until seven o'clock in the morning.

We come to the same result also in another way. As has been said, Boniface, as apostolic legate for Germany and France, repeats our canon verbally in his statutes; this, consequently, was still in full practice in France about the year 750. A hundred years later, however, the French Bishop Herard of Tours, in his *Capitula* of A.D. 858, n. 83: "Qui sabbato Paschæ usque ad *noctis initium* non jejunant, excommunicentur" (Hardouin, t. v. p. 455). The fasts thus lasted then, on the Easter vigil, only until the *beginning* of the night, which agrees quite well with the *hora secunda noctis*

in our canon. On other days the fast ended with vespers, and Theodore of Canterbury says, c. 29: "On the vigil of Christmas *manducant Romani hora nona expleta*," *i.e.* at three o'clock P.M. (Hardouin, t. iii. p. 1774). We must, accordingly, maintain that our canon, more stringent than the Romans, ordered for the vigils of Easter, Christmas, and other festivals a continuation of the vigil service and fast until seven o'clock in the evening, and, besides, forbade all the faithful, on these holy nights, to take anything after midnight. But the *quia* remains to us enigmatic, unless we interpret something in this manner: "Because the following festivals are so high, that from midnight onwards nothing more may be taken, the vigils too, which precede these days, are solemnised more stringently.

12. Neither the Eucharist nor the kiss may be given to the dead; nor must their bodies be covered with the veil or pall.

13. The deacon may not cover his shoulders with the veil or pall.

14. No corpse may be buried in the baptistery.

15. Two corpses may not be laid upon one another.

16. Servile labours are forbidden on Sundays.

17. It is not permitted to receive oblations from suicides.

18. Except in cases of necessity, baptism shall be administered only at Easter.

19. A presbyter, deacon, or subdeacon, if he has partaken of anything, may neither officiate at Mass nor stand in the church during the service (because the *adstantes clerici* communicated).

20. If a priest, deacon, or subdeacon commits a sin of the flesh, and the archpresbyter does not report it to the bishop or the archdeacon, he shall be excommunicated for a year, but the sinner shall be deposed.

21. No presbyter may, after his ordination, sleep in the same bed with his wife (*presbytera*), or have connubial intercourse with her. So with the deacon and subdeacon.

22. The widow of a priest, deacon, or subdeacon must not marry again.

23. If an abbot does not punish a great crime of a monk,

or does not report it to the bishop or archdeacon, he must be removed for penance to another monastery.

24. No abbot or monk may go to a marriage.

25. No abbot or monk may be godfather at a baptism (*commater* is the name of a woman in relation to the sponsor for her child; cf. Du Cange, *s.v.*).

26. No abbot may allow a woman to enter his monastery, even to see a festivity. If he does so, he must be incarcerated for three months in another monastery, and kept on bread and water.

27–32. Prohibition of incestuous marriages.

33 and 34. No cleric may be present at the torture or sentencing of a criminal.

35. No cleric may sue another before a secular judge.

36. No woman may receive the holy Eucharist with uncovered hand.

37. Nor must she touch the pall (*palla*).

38 and 39. No intercourse must be held with one who is excommunicated, nor must people eat with him.

40. A priest may not sing or dance at banquets.

41. No priest or deacon may sue anyone personally before a tribunal, but he must do this through a layman, perhaps a brother.

42. Every woman must at communion have her *dominicale* (*i.e.* either the cloth for covering her hand, cf. c. 36, or a veil for the covering of her head. Cf. Du Cange, s.v. *dominicalis*).

43. A layman or judge who uses violence against a cleric without permission of the bishop, is excluded for a year from all communion with the faithful.

44. A layman who obstinately despises the exhortations of his archpresbyter shall be excluded from the Church, and punished according to the edict of the King (Macon 2, see above).

45. Whoever neglects these ordinances, or does not report the transgressors of them to the bishop, shall for a year either be excluded from intercourse with the brethren (the other clergy), or from intercourse with all Christians.[1]

[1] Mansi, t. ix. p. 911; Hardouin, t. iii. p. 443; Sirmond, t. i. p. 361; Bruns, pt. ii. p. 237.

Between 585 and 588 falls the provincial Synod at Clermont in Auvergne (*Arvernensis*), at which Archbishop Sulpicius of Bourges, with his suffragans, decided the controversy respecting some rural churches between Bishops Innocent of Rodez and Ursicinus of Cahors (suspended at the second Synod of Macon for three years, see above), in favour of the Church of Cahors. This seems to me the decision, at least in the words of Gregory of Tours (*Hist. Franc.* lib. vi. cc. 38 and 39), although it is generally stated that the decision was given in favour of the bishop of Rodez.[1]

Gregory of Tours refers to a Spanish Synod of the year 587 (*Hist. Franc.* lib. ix. c. 15), when he relates that, when the King of the West Goths, Reccared, after the death of his father, Leovigild, formed the plan of becoming a Catholic, he first arranged an assembly (disputation) of the Arian and Catholic bishops, and attached great importance to this, that the Arians had never proved the truth of their doctrine by miracles. After the end of that assembly he then called the Catholic bishops specially to him, received more exact instruction from them, and embraced the Catholic faith.[2]

In the following year, 588, the Patriarch Gregory of Antioch justified himself at a Synod at Constantinople against the accusation that he had lived with his sister in incest. The same Synod was used by John Nesteutes of Constantinople, in order to style himself "œcumenical patriarch."[3] In earlier times, however, his predecessors had been entitled "œcumenical patriarchs" even by the Emperors. (See secs. 233 and 250; and Hergenröther, *Photius*, Bd. i. S. 178 f.)

On the 1st of July 588, King Guntram summoned all the bishops of his kingdom to a great Frankish Synod, to take counsel upon incestuous unions, on the murder of Archbishop Prætextatus of Rouen, etc. Gregory of Tours, the only authority on the subject, regarded the holding of this Synod as unnecessary, and does not say *whether* or *where* it was

[1] Mansi, t. ix. p. 973.

[2] In all the Collections of Councils, with the exception of Mansi's (t. ix. p. 971), this Synod is passed over.

[3] Evagrius, *Hist. Eccl.* lib. iv. c. 7; Gregor. M. *Epist.* lib. v. indict. xiii. Ep. 43, ed. Benedict. t. ii. p. 771. Cf. Pagi, *ad ann.* 588, n. 4–7; Mansi t. ix. p. 971.

really held, nor what it decreed (*Hist. Franc.* lib. ix. c. 20).

Sec. 287. *Spain becomes Catholic at the Third Synod of Toledo* A.D. 589.

After King Reccared had embraced the Catholic faith, he summoned the bishops of his kingdom (Spain and *Gallia Narbonensis*), in May 589, to a general Synod at Toledo (Toletana III.), of which the minutes have come to us in a tolerable state of completeness. Before the transactions began, Reccared requested the bishops to prepare themselves, by fasting and prayer, for the holy work. They resolved to fast for three days, and then met, on the 8th of May, for the first session. The King was again present, besought the Synod to return thanks to God for the return of so many to the true faith, and then caused to be read a declaration drawn up by him. It contains the orthodox confession of the Son and the Holy Ghost, teaches His procession *a Patre et a Filio* (cf. vol. iii. sec. 167), describes how the orthodox faith had been hitherto oppressed in Spain, and relates how he, the King, had returned to the Catholic Church, and had invited his whole people to take the same step. The famous and noble nation of the Goths, he says, now in full agreement with him, takes part in the communion of the Catholic Church, and also the Suevi, whom he had subjected, and who had been misled by another (Leovigild) into heresy, he had called back again to the truth (see above, sec. 285, Braga 2). It was now the business of the bishops to instruct these peoples, and he had called the Synod in order to bear witness to his orthodoxy before it. Accordingly he anathematised Arius with his doctrine, and recognised the Synods of Nicæa, Constantinople, Ephesus, and Chalcedon, with the Councils of all orthodox bishops who did not depart in the faith from the four Synods named. He added the declarations of faith of Nicæa, Constantinople, and Chalcedon verbally, that of Constantinople with the formula *ex Patre et Filio procedentem*, and subscribed this document with his consort Badda.

The Synod replied with acclamations in honour of God

and the King, and requested the newly-converted Gothic bishops, clerics, and nobles, on their side, to make their confession. They did so in twenty-three anathematisms:—

1. If anyone still holds the doctrine and communion of the Arians, let him be anathema.

2. If anyone does not confess that the Son of God, our Lord Jesus Christ, is begotten of the substance of the Father without beginning, is like to and of one substance with the Father, etc.

3. If anyone does not believe that the Holy Ghost proceedeth from the Father and the Son, and is coeternal with and like unto the Father and the Son, etc.

4. If anyone does not distinguish the persons in the Trinity, etc.

5. If anyone declares the Son and Spirit inferior to the Father, etc.

6. If anyone does not believe that Father, Son, and Spirit are of one substance, one omnipotence, and eternity, etc.

7. If anyone maintains that the Son is ignorant of anything, etc.

8. If anyone ascribes a beginning to the Son or Spirit, etc.

9. If anyone maintains that the Son, in His Godhead, was visible or capable of suffering, etc.

10. If anyone does not hold the Holy Ghost as the true Almighty God, as the Father and the Son, etc.

11. If anyone declares any other faith than that of Nicæa, Constantinople, Ephesus, and Chalcedon to be the Catholic faith, etc.

12. If anyone separates the Father, Son, and Spirit in regard to glory and Godhead, etc.

13. If anyone believes that the Son and Spirit are not to be honoured along with the Father, etc.

14. If anyone does not say: "Gloria et honor Patri, et Filio, et Spiritui Sancto," etc.

15. If anyone defends or practises rebaptism, etc.

16. If anyone regards as good the abominable treatise which we composed, in the twelfth year of Leovigild, in order

to mislead the Romans to the Arian heresy, etc. (see above, sec. 286).

17. If anyone does not condemn the Council of Ariminum with all his heart, etc. (see vol. ii.).

18. We confess that we have been, with all our heart, etc., converted from the Arian heresy to the Catholic Church. The faith which our King has confessed before the Synod we also confess and teach to our congregations. If anyone does not hold this faith, let him be anathema maranatha (1 Cor. xvi. 22).[1]

19 to 22. If anyone rejects the faith of the Synods of Nicæa, Constantinople, Ephesus, and Chaldæa, etc.

23. This condemnation of the Arian heresy we have subscribed with our own hands. The definitions of those Synods of Nicæa, etc., we have subscribed. They contain clearly the true doctrine on the Trinity and Incarnation. If anyone falsifies this holy doctrine, and separates himself again from the Catholic communion which we have now obtained, he is guilty before God and the world.

Again, the decrees of the faith of Nicæa, Constantinople, and Chalcedon were added literally as in the declaration of the King, and the whole was subscribed by eight bishops, many other clerics, and the Gothic leaders present.

The King then proposed to the Synod to ordain that, in the West Gothic kingdom, after the manner of the Greek Fathers, the holy creed should be recited before communion, in order to confirm the orthodox faith. The bishops were further requested to draw up disciplinary prescriptions for the regulation of morals. This was done as follows:—

Capitulum 1. The old canons, the ordinances of the Councils, and the synodal letters of the holy bishops of Rome have validity. No one shall henceforth, in opposition to them, attain to clerical dignities.

2. In accordance with the proposal of the King, before the Lord's Prayer, the Creed of Constantinople shall be sung with clear voice.

3. No bishop may alienate Church property. What he

[1] On *maranatha*, cf. the *Kirchenlexicon* of Wetzer and Welte. On the addition of maranatha to anathema, see Kober, *Kirchenbann*, S. 40 f.

gives, without inconvenience to his church, to monks, or to churches in his diocese, shall be valid. He shall also support strangers, the clergy, and the poor.

4. With the assent of his Synod the bishop may turn one of his parish churches into a monastery.

5. As the bishops, priests, and deacons who have come over from heresy still partly live in matrimony with their wives, this is now forbidden to them. Whoever does so shall be regarded as a lector. Whoever has strange women in his dwelling so as to excite suspicion, shall be punished, and those women shall be sold by the bishop. The proceeds of the sale belong to the poor.

6. Those who are set free from slavery stand under the protection of the Church.

7. During the meals of the clergy, there shall be readings from the Holy Scripture.

8. Clerics, born of families who belong to the Exchequer, are to be demanded by no one under the pretext that the King had given them to him. They have only to pay their poll-tax, and remain in the Church. The King agrees with this.

9. The churches, formerly Arian and now Catholic, belong, with their property, to those bishoprics in which they lie.

10. If widows do not wish to marry again, nobody must compel them to do so. If, however, they wish to marry again, they are at liberty to marry him whom they themselves freely choose. So also with maidens; and they must not be compelled, against their own will or that of their parents, to take anyone for husband. If anyone hinders a widow or virgin from fulfilling her intention of remaining unmarried, he is excommunicated.

11. In some churches of Spain, disorder in the ministry of penance has gained ground, so that people sin as they like, and again and again ask for reconciliation from the priest. This must no longer happen; but according to the old canons everyone who regrets his offence must be first excluded from communion, and must frequently present himself as a penitent for the laying on of hands when his time of penance is over, then, if it seems good to the bishop, he may again be received

to communion; if, however, during his time of penance or afterwards, he falls back into his old sin, he shall be punished according to the stringency of the old canons.[1]

12. If a man wished to do penance his hair must first be cut, but a woman must first change her garment, for it frequently happens that laymen, after lax penance, return again to their old offences, therefore sharper penance must be introduced, with cutting of hair, etc. (cf. secs. 222, 252, and Aguirre, *Concil. Hispan.* t. ii. pp. 280 and 363. *Coleccion de Canones de la iglesa española*, por Gonzalez, Madrid 1849, t. ii. p. 213 sqq.).

13. One cleric may not bring another before a secular tribunal.

14. No Jew may have a Christian woman as wife or concubine; and if there are children of such a union, they must be baptized. Neither must Jews exercise any public office over Christians with power of punishment. They may not buy for their own use Christian slaves; and if the latter have been by them stained with any Jewish rite they shall become free, and without ransom return to Christianity. It is the King's will that this be taken into the canons.

15. If servants of the Exchequer have built and endowed churches, the bishop shall petition the King to confirm such.

16. The ecclesiastical and the secular judges must work in common, to the end that the idolatry widely spread in Spain and Gaul may again be rooted out (see secs. 285 and 286).

17. So also must they in common root out the widely-spread horrible crime of parents killing their children, that they may not have the expense of bringing them up.

18. Since the churches of Spain are so poor and so far removed from one another, only one provincial Synod (instead of two) shall be held annually. In accordance with the command of the King, the judges and officers of the Exchequer

[1] The ancient Church appointed only one single *public* penance, and, if anyone after penance again fell into a gross sin he remained for ever excommunicated (see vol. i. p. 139, c. 3; p. 140, c. 7; p. 157, c. 47, and p. 411). On the 11th and 12th canons of our Synod of Toledo, Cardinal Aguirre wrote several excellent dissertations in his collection of Spanish Councils, t. ii. p. 358 sqq.

must meet on the 1st of November, in order to learn how the people must be dealt with gently and justly. The bishops, too, by the will of the King, must exercise oversight on the conduct of the judges, and must censure them if they are guilty of insolent behaviour, or inform the King, or excommunicate them, if they do not amend. The bishop shall consider, with two seniors, what a province can, without injury, pay to the judges.[1] Before the close of a Synod the time and place of the next shall be announced, so that no further writings and invitations may be necessary for the metropolitan.

19. Many who have built a church request the consecration of it on the condition that the property made over by them to the church should not be subject to the administration of the bishop. This cannot be allowed.

20. Many bishops burden their clergy improperly with feudal services and taxes in a cruel manner. Nothing unusual, however, shall be rendered to them; and the burdened clergy shall complain to the metropolitan (see sec. 285, Synod of Braga).

21. Judges and officials may no longer turn the servants of the Church and of the clergy to feudal services for public or private purposes, under penalty of excommunication.

22. At funerals only psalms shall be sung. The special elegies, and the custom of beating on the breast, are forbidden. Where possible, the bishop shall enforce this with all the faithful, and at least with the clergy.[2]

23. Dances and unclean songs on feast days are forbidden.

The King confirmed these decisions in a special decree introduced into the minutes of the Synod, required their observance of clergy and laity, and threatened the transgression of them with severe punishments. Then he signed first the minutes, and after him sixty-four bishops and seven representatives of bishops. Among the bishops come first the Metropolitans Massona of Emerita, Euphemius of Toledo,

[1] Instead of *judicium*, we should, with Gams, read *judicibus*.

[2] *Religiosus* is here not merely monk, but cleric generally. Cf. c. 1 of Narbonne, sec. 288.

Leander of Seville, Migetius of Narbonne, and Pantardus of Braga in Galicia. The last-named subscribed at the same time for his colleague Nitigisius, the second metropolitan of Galicia. Also the eight formerly Arian bishops, who had come over, signed. Finally, S. Leander of Seville delivered an address, in order to express the joy of the Church over the conversion of the West Goths.[1]

Sec. 288. *The last Synods of the Sixth Century.*

Immediately after the great Synod of Toledo followed the provincial Council at Narbonne in Gothic Gaul, which was held on the 1st of November in the same year (589), by the bishop of that place, Migetius, with his several suffragans, for the observance of the 18th canon of Toledo (see last section). These bishops, in part, had been personally present at Toledo, in part by representatives. They ordained:—

1. No cleric may wear purple clothing. This is suitable for princes, not for religious (= clerics and monks, see last section).

2. After each psalm shall *Gloria Patri*, etc., be sung. Longer psalms should be divided, and after each division *Gloria Patri* is to be sung (cf. under c. 15 of the fourth Synod of Toledo).

3. No cleric may be present at public punishments (for diversion).

4. Enforcement of the Sunday festival.

5. After c. 18 of Chalcedon (here erroneously called Nicæa) conspiracies of the clergy, and insults of the higher clergy by the lower, are forbidden. Renitents (resisters) must do penance in a convent for a year.

6. If a clergyman, or a distinguished man, is shut up in a convent out of the city on account of some crime, the abbot must treat him as the bishop prescribes.

[1] Mansi, t. ix. pp. 977–1010; Hardouin, t. iii. p. 467 sqq.; Aguirre, *l.c.* t. ii. p. 388 sq.; Bruns, pt. i. pp. 210 and 393; *Coleccion de Canones*, etc., *l.c.* p. 256 sqq.; Dr. Gams deals extensively with the third Synod of Toledo in his *Kirchengeschichte von Spanien*, Bd. ii. Thl. 2, S. 6–16.

7. A cleric who acts to the disadvantage of the Church is deposed.

8. So, if he damages the property of the Church.

9. Jews must bury their dead bodies according to ancient Jewish custom, without psalmody.

10. Every cleric must remain in the diocese by whose bishop he was ordained.

11. No ignorant person may be ordained priest or deacon. If he is already ordained, and refuses to learn more perfectly reading and the fulfilling of his office, he must be deprived of his stipend until he learns. If he is obstinate, he is to be shut up in a convent.

12. No priest or deacon may leave the altar whilst Mass is going on; and no deacon, subdeacon, or lector may take off his alb before the end of Mass.

13. The subdeacons, ostiarii, and other servants of the Church must carefully fulfil the duties of their offices. They must raise the curtains at the doors for the superior ecclesiastics. If they obstinately refuse, the subdeacons are to be punished in their pay, the others to be chastised with blows.

14. Soothsaying is forbidden; so also

15. The heathen festivals of Thursday.[1]

Gregory of Tours (*Hist. Franc.* ix. 37) refers to a Synod at Sourci (Sauriacum) in the year 589 or 590. It permitted Bishop Droctigisilus to return again to his diocese of Soissons. He had become delirious, some said through drunkenness, others through enchantment. As he was always worst when he lived in the city, and better when he was in the country, he had been forced to leave Soissons. Now the sickness was stopped, and he was permitted to return.[2]

A convention of several bishops at Poitiers, and subsequently a proper Synod (A.D. 589), were occasioned by a rebellion among the nuns of Poitiers. Chrodieldis, a Frankish princess and nun at Poitiers, wished to supplant

[1] Mansi, t. ix. p. 1014; Hardouin, t. iii. p. 491; Aguirre, t. ii. p. 385; Bruns, pt. ii. p. 59; *Coleccion de Canones*, etc. p. 693 sq.; Gams, *l.c.* S. 16–19.

[2] Mansi, t. ix. p. 1010; Hardouin, t. iii. p. 490.

the Abbess Leubovera, left the convent with forty of her friends, drew a miscellaneous rabble after her, intrenched herself in the Basilica of S. Hilary at Poitiers, and had the bishops, who excommunicated her, set upon and cruelly ill-treated, so that blood flowed. The bishops applied to King Guntram, and the bishops assembled around him found it necessary to take counsel on the subject on the 1st of November next at a common Synod (*where*, is not said). Nothing more of this is given in detail. But we know that, in the year 590, a great Synod at Poitiers punished Chrodieldis, her cousin Basina, and her other companions with excommunication. Another Synod of the same year, 590, at Metz, removed this sentence again, and pronounced the deposition of Bishop Ægidius of Reims on account of high treason.[1]

Photius refers to a kind of Synod at Alexandria about the year 589. This was, however, properly a disputation between the two parties of the Samaritans; and Archbishop Eulogius of Alexandria was present with some other bishops only for the settlement of the quarrel. Both parties were shown their error.[2]

Mention is made of a Roman Synod about this time, but only in a spurious letter of Pope Pelagius II. to the bishops of Germany and Gaul.[3] On the other hand, a Synod of the defenders of the three chapters belonged to the last years of the reign of that Pope at Mariano or Marano in Friaul (vol. ii. sec. 281), and the Synod at Salona in Dalmatia, at which the metropolitan of that place, Natalis, unlawfully deposed his Archdeacon Honoratus. In order to remove him from his important post, the archbishop wanted to ordain him priest, and thus advance him to that order; but Honoratus refused, and for this reason was condemned. He appealed

[1] Gregor. Turon. *l.c.* lib. ix. c. 41, lib. x. cc. 16 and 19; Mansi, t. ix. p. 1011, t. x. pp. 455 and 459; Hardouin, t. iii. pp. 490, 527, and 531. Cf. Montalembert, *Moines de l'occident*, vol. ii.

[2] Photii *Bibliotheca*, Cod. 230, p. 285, ed. Bekkeri; Mansi, *l.c.* p. 1022; Photius writes by mistake: "In the seventh year of the Emperor Marcian," instead of "the Emperor Maurice."

[3] Mansi, *l.c.* p. 1022; Pagi, *ad. ann.* 590, n. 5 (he treats of the year 590 twice; but the passage quoted is found in his first treatment of this year).

to Pope Pelagius II., and after his death, which speedily followed, to Gregory the Great.[1]

The two Synods of the schismatical defenders of the three chapters fall in the first year of the reign of Gregory the Great, which we mentioned before (sec. 281). The projected *Roman* Synod of the year 590, for the restoration of the schismatics, appears not to have taken place, on account of the violent protests of the latter.

On the boundary of the three cities of Clermont in Auvergne, Gabales, and Rodez, the bishops assembled, A.D. 590, in a Synod, with secular grandees, and pronounced judgment on Tetradia, who had forsaken and robbed her husband, Count Eulalius of Auvergne, and then had married Duke Desiderius.[2]

In the same year Archbishop Leander, with seven suffragans, celebrated a provincial Synod in his metropolitan city of Seville (*Hispalensis* or *Spalensis* I.). Its three decrees (*Capitula*) are found in the synodal letter to the absent suffragan bishop, Pegasius of Astigis, now Ecija, near Seville.[3] His predecessor, Gaudentius, had set free several slaves, and had given a good deal of Church property to his relations. The Synod, in cap. i., supporting itself on c. 33 of Agde (see sec. 222; cf. c. 6), now declares that these gifts are invalid. The liberations are declared to be without force, unless Gaudentius has left of his private fortune an equivalent to the Church. This decision, by c. 2, shall have effect for the whole *Provincia Bætica*. Finally, by c. 3, the prohibition is anew enforced against the clergy having strange women in their houses, with the addition that the secular judges shall sell such women, in accordance with c. 5 of Toledo (sec. 287). Burchard and others cited still more canons of Seville, which have been put in his collection by Mansi (*l.c.*).[4]

[1] Gregor. M. *Epist.* lib. 1, Epp. 19, 20, and lib. ii. Epp. 18 and 19; Mansi, t. x. p. 470.

[2] Gregor. Turon. *l.c.* lib. x. c. 8; Mansi, t. x. p. 454; Hardouin, t. iii. p. 527.

[3] Mansi, t. x. p. 450; Hardouin, t. iii. p. 522; Aguirre, t. ii. p. 390; Bruns, pt. ii. p. 62; *Colección de Canones*, etc. *l.c.* p. 661 sqq. Baronius thought that this synodal letter had been addressed to Pope Pelagius, which Cardinal Noris corrected (*De Synodo V.* cap. ix. sec. 4, p. 717, ed. Baller.).

[4] Cf. on this Synod, Gams, *l.c.* S. 19–22.

At Saragossa the bishops of the ecclesiastical province of Tarragona assembled in a provincial Synod (*Cæsarangustana* II.), November 1, 592, under their Metropolitan Artemius, and decreed :—

1. If an Arian priest becomes a Catholic and upright, particularly if he is chaste, he may be ordained as priest anew on repentance. So also a deacon.

2. Relics found in Arian churches shall be burnt by the priests.

3. If Arian bishops, who have become converts, consecrated churches before they were themselves ordained anew, these churches stand in need of a fresh consecration.

In a letter to the royal revenue officers the bishops set forth how much corn could be raised from the territories, subject to the bishops.[1]

Mansi showed (*l.c.* p. 474) that no Synod had been held about this time in *Numidia*; but somewhat later a Synod took place at *Carthage*, A.D. 594 or 595, because of the oppression under the Donatist schism. Details are unknown.[2]

The minutes of a *Roman* Synod, of July 5, 595,[3] are found among the letters of Gregory the Great, in the older edition, as *Epist.* 44 of Book iv. in the Benedictine, as No. 5 in the appendix to the letters (Gregor. *Opp.* ed. Benedict. t. ii. p. 1288; printed also in Mansi, t. ix. p. 1226, t. x. p. 475; Hardouin, t. iii. p. 496). Around Pope Gregory there were twenty-three bishops, and many priests and deacons assembled, and he proposed the following ordinances, which were approved by the Synod by acclamation :—

1. It has long been the custom in the Roman Church to ordain cantors as deacons, and, still further, to use them for singing, instead of for preaching and caring for the poor. This has the consequence that, at divine service, more is thought of a good voice than of good life. Consequently no deacon may, henceforth, sing in the church except the Gospel

[1] Mansi, t. x. p. 471; Hardouin, t. iii. p. 534; Aguirre, t. ii. p. 414; Bruns, *l.c.* p. 64; *Coleccion de Canones*, etc. t. ii. p. 119 sqq.; Gams, *l.c.* S. 22 f.

[2] Mansi, t. x. p. 475.

[3] On the chronology, cf. Pagi, *ad ann.* 595, n. 4.

in the Mass. The remaining lections and psalms shall be sung by subdeacons, or, if it is necessary, by those in minor orders.

2. In the service of the person of the Pope, laymen shall no longer be used, as has been done for some time, but only clerics or monks.

3. The administrators of the property of the Church may no longer, as hitherto, place titles (*i.e.* wooden labels with the names of the owners) arbitrarily on goods of which they suppose that they are Church property, after the manner of revenue officers, and so defend Church property by force instead of judgment.[1]

4. A custom has crept in, at the funeral of a Pope, to cover his body with dalmatics, which are then torn in pieces by the people, and are held in great honour, and preserved as relics; whilst clothes with which apostles and martyrs were covered are less honoured. This may no longer be done.

5. For consecration, the pallium, and the documents referring to these, etc., no more must be demanded under any title whatever, *e.g.* as pastellum (= *pastillum* = luncheon, our *pour boire*). If, however, one who is consecrated, *after* reception of the documents or the pallium, gives anything voluntarily to a (Roman) cleric (for his trouble), this may be received.

6. It often happens that slaves, who belong to the Church or to secular people, wish to enter a monastery. If we allow this, the Church will at last lose all her slaves. If, however, we do not permit their entrance into a monastery, we refuse an offering to God. Therefore, if a slave shall henceforth wish to enter a convent, his conduct shall first be carefully examined; and if this is blameless, entrance shall be allowed him.

Whether Gregory the Great did also, at the same Synod, inquire into the case of the two priests, John of Chalcedon and Athanasius, a monk of the monastery of S. Mile (Tamnaco in Lycaonia), is doubtful. Both were accused of

[1] On *titulos*, and *titulos ponere*, and *titulare* cf. Gregor. M. *Epist.* lib. i. Ep. 65; and Du Cange, s.v. *titulus* 1.

heresy before the Patriarch John of Constantinople, and were condemned by his commissaries, but had appealed to Rome, and, after Gregory had held a Council on the subject, were acquitted. The letters of Gregory relating to this (lib. vi. Epp. 15, 16, 17, and 66) belong to the sixth year of his pontificate (595).

On the 17th of May of the year 597, sixteen bishops of several Spanish ecclesiastical provinces united in a Synod in the Church of SS. Peter and Paul in Toledo. We know only that they drew up two canons. In the first they enjoined on the clergy the duty of chastity; in the second, forbade to the bishops to appropriate to themselves the goods of any church erected in their diocese. Rather, according to the will of the founder and the canons, there should be appointed to such a church a priest or deacon, or at least an ostiarius, in order to light the tapers before the holy relics in the evening.[1]

Another Spanish Synod at Huesca (*Oscensis*), in the province of Tarragona, A.D. 598, ordained—(1) every year a diocesan Synod shall be held; and (2) all clerics must lead a chaste life.[2]

To the same ecclesiastical province of Tarragona belongs the Synod at Barcelona of November 1, 599, which, under the presidency of the Metropolitan Asiaticus of Tarragona, put forth four canons:—

1. Neither the bishop nor one of his clerics may demand anything for the imparting of orders, or the institution of the clergy.

2. So also nothing is to be asked for the chrism.

3. No layman may be ordained bishop without conforming to the old canons, which require a regular ascent through the different orders. If two or three are elected by clergy and laity, and presented to the Metropolitan, that one shall be consecrated upon whom the lot falls after a preceding fast by the bishops.

[1] Mansi, t. x. p. 478; Hardouin, t. iii. p. 535; Aguirre, t. ii. p. 416; Gams, *l.c.* S. 25 f.

[2] Mansi, *l.c.* p. 479; Hardouin, *l.c.* p. 535; Aguirre, *l.c.* p. 417; *Coleccion de Canones*, etc. *l.c.* p. 699; Gams, *l.c.* S. 26.

4. A virgin who has laid aside lay attire, has put on the habit of the religious, and has vowed chastity, may no longer marry. Nor one who has received the *benedictio pœnitentiæ* (sec. 222).[1]

[1] Mansi, *l.c.* p. 482; Hardouin, *l.c.* p. 538; Aguirre, *l.c.* p. 418; *Coleccion de Canones*, *l.c.* 690 sqq.; Gams, *l.c.* S. 26 f.

CHAPTER II.

THE SYNODS NOT RELATING TO MONOTHELITISM BETWEEN THE YEARS 600 AND 680.

SEC. 289. *Synods between the Years* 600 *and* 630.

THE series of these Synods is opened by a *Roman* Synod under Gregory the Great, which took place, according to the reckoning of Pagi (*ad ann.* 601, n. 11 and 12), in the year 600, and certainly in October (not November, as Pagi assumed),[1] and was occupied with the condemnation of the monk Andrew, and also with the matter of the Abbot Probus. That Greek monk Andrew belonged to the Aphthardocetæ (sec. 208), and, in order to sustain his errors, had falsified several passages of the Fathers, as we know from Photius (*Biblioth. Cod.* 162). He was opposed especially by Archbishop Eusebius of Thessalonica (Photius gives, *l.c.*, extracts from his ten books against Andrew); the monk, however, also falsified a letter of this archbishop, so that it seemed to give a quite heterodox meaning. This is related by Gregory the Great in his letter to Eusebius, with the remark that the bearer of this letter, the lector Theodore, would give information, by word of mouth, on the other misdeeds of Andrew, and at the same time report what the Synod had decided respecting him.[2] The second thing that we know of this Synod is that they communicated to the Abbot Probus of S. Andrew the permission requested by him, to leave by testament, in favour of his son, the property which he had left in the world, because he had been so suddenly

[1] Cf. Note T of the Benedictines, at t. ii. p. 1299 of their edition of the works of Gregory the Great.

[2] Gregor. *Epist.* lib. xi. Ep. 74, ed. Benedict. Former ed. ix. 69.

elected abbot from his lay position that he had no previous opportunity of clearing up this matter.[1]

A short time afterwards Gregory the Great, with twenty-four bishops and many priests and deacons, celebrated again a Synod in the Lateran Church in Rome, on the 5th of April 601, and in the name of Jesus Christ, and by virtue of the authority of S. Peter, published the decree: "No bishop or layman may damage the property of a monastery under any pretext whatever. If there is a controversy as to whether a property belongs to the church of a bishop or to a monastery, umpires must decide. If an abbot dies, the brothers shall freely and unanimously elect as his successor, not a stranger, but one of the same community (*congregatio* = monastic body). If no suitable person can be found in the monastery, then the monks shall take care that one from another monastery shall be appointed (*ordinandum curent*). During the lifetime of the abbot no other head shall be appointed over the monastery, unless the abbot has committed some offence interdicted by the canons. No monk may, against the will of the abbot, be selected for the guiding of other monasteries (*ad ordinanda alia monasteria*), or for the reception of consecration. The bishop may not make an inventory of the goods of the monastery, and even after the death of the abbot he must not interfere in the affairs of the monastery; may not hold public mass in the monastery, so that there may be no meeting of people, or women; may set up no pulpit in it, nor introduce any regulation, nor, without the assent of the abbot, appoint any of the monks to any ecclesiastical service."

All the bishops answered: "We rejoice at the liberties of the monks, and confirm what your Holiness has promulgated on this subject."[2]

The Venerable Bede refers to one or properly two *British* Synods of A.D. 601. The Abbot Augustine, whom Gregory the Great had appointed at the head of the Anglo-Saxon

[1] The synodal decree is found among the letters of Gregory the Great, in the Benedictine edition of his works, in the Appendix, t. ii. p. 1297; in the other editions, *Epist.* lib. ix. Ep. 22.

[2] Gregor. M. *Opp.* ed. Bened. t. ii. p. 1294, No. 7 of the Appendix *ad epist.* In other editions, *Epist.* lib. iv. Ep. 44. In Mansi, t. x. p. 486 sqq.; Hardouin, t. iii. p. 538.

mission, and had raised to be archbishop of Canterbury, had not merely to convert the still heathen Anglo-Saxons, but also bring back the deeply fallen ancient Britons to ecclesiastical order. With the help of the Anglo-Saxon King Ethelbert of Kent, whom he had first converted, he succeeded, after many difficulties, in bringing the old British bishops and teachers to a meeting with him at a place in Worcestershire, since named Augustinaizac (Augustine's oak)—(Synodus Wigornensis: Vigonia = Worcester). He exhorted them to maintain peace with him, and to support him in the conversion of the heathen Anglo-Saxons, and to give up their inaccurate way of finding Easter (see vol. i. p. 330, sec. 37). As they would not consent, Augustine proposed that a miracle should decide whether the Roman or the British tradition was the correct one; and immediately a blind man was brought from the people of the Anglo-Saxons. The British prelates were unable to help him by their prayers; but Augustine succeeded so decidedly, that the others declared themselves overcome; but added that they could not, by themselves alone, and without the assent of their friends, consent to abandon their old usages; so that a greater Synod must be held.

This took place, and was attended by seven British bishops and many teachers, particularly from the British monastery of Bangor (in North Wales). Before they came to the Synod, the Britons visited a distinguished anchorite of their people, in order to invite his counsel. He declared: "If Augustine, on your arrival, rises from his seat to greet you, then he is humble and a man of God, and then you must follow him. If he does not so, you need not trouble yourselves about his words." When they arrived, Augustine (*more Romano*) did not rise from his seat, and therefore the Britons obstinately withstood his three demands—that (*a*) in regard to Easter, and (*b*) in regard to the rite of baptism, they should conform to the Roman Church; and (*c*) that they should share the mission among the Anglo-Saxons. With regard to other matters, he would leave them with their own peculiarities.[1] When Augustine was unable to overcome their

[1] A strongly anti-papal speech, which the abbot of Bangor is said to have delivered at this Synod, is a mere invention.

self-will, he spoke prophetically. "Since you will not have peace with us, you shall have war from enemies; and since you will not help us to proclaim life to the Angles, these will bring death as a punishment to you." This happened shortly, in fact, through King Ethelfrid of Northumberland, who among others caused 1200 monks of Bangor (the monastery numbered 2100 persons) to be cut down, because they had taken part in war against him.[1]

The old biographer of S. Betharius, bishop of Chartres, refers to a Synod at Sens, A.D. 601.[2] The latter was himself present there. The occasion of the assembly was given by Pope Gregory the Great, who had requested, by letters to the Kings, to Brunehilde, to Virgilius of Arles, and others, that Synods should be held in order to remove various differences in France, particularly simony.[3] This is probably the same Synod to which also S. Columbanus, then abbot of Luxovium (Luxeuil) in the Vosges, was invited, but did not come. If he did, this must have been the Synod at which the Frankish bishops asked Columbanus to give up his Irish (= British) manner of reckoning Easter; but he answered them in a manner but little friendly.[4]

In the year 602, Pope Gregory the Great (*Epist.* lib. xii. Ep. 32) requested the bishops of the Byzacene province in Africa to examine the accusations against their Primate Clementius at a Synod. A similar demand was addressed to the *Numidian* bishops, in order to institute an inquiry into the case of the deacon Donadeus, who, on account of unjust deposition, had appealed to Rome, and that of Bishop Paulinus, who had practised simony, and was said to have been furious with his clergy (Gregor. *Epist.* lib. xii. Epp. 8 and 28). Whether such a Synod took place is not known.

[1] Beda Venerabilis, *Hist. Anglorum*, lib. ii. c. 2, printed in Mansi, t. x. p. 491; Hardouin, t. iii. p. 539. Cf. Schrödl, *Das erste Jahrhundert der englischen Kirche*, S. 29 ff.; Lingard, *Antiquities of the English Church*; Montalembert, *Moines de l'occident*, vol. iii.

[2] *Acta Sanctor.* ed. Bolland. ad diem 2 Augusti, p. 171; Mansi, t. x. p. 486.

[3] Gregor. M. *Epist.* lib. xi. Epp. 55, 56, 57, 59, 60, 61, 63.

[4] Mansi, t. x. p. 483 sqq.; Mabillon, *Annales Benedict.* t. i. p. 233. Cf. the author's essay, *Einführung des Christenthums im Südwestlichen Deutschland*, etc. S. 268; Montalembert, *l.c.* vol. ii.; Greith, *Altirisch Kirche*, S. 267, 296 f., and 300 ff.

In the following year, 603, S. Desiderius, archbishop of Vienne, was deposed at a Synod at Chalons sur Saone, by the intrigues of Queen Brunehilde and Archbishop Avidius of Lyons, and Domnulus was raised to his place. King Theoderic thereupon sent the persecuted bishop into exile, and when he returned, had him stoned.[1]

That a Synod at London, about the year 605, under Augustine of Canterbury, Mellitus of London, etc., forbade marriages in the third degree of relationship, we know from a letter of S. Boniface, the apostle of the Germans, to Pope Zacharias. On Christmas of the year 605, King Ethelbert of Kent is said to have confirmed and endowed the monastery of SS. Peter and Paul at Canterbury, at a Synod held at Canterbury.[2]

It is briefly related in the Roman pontifical book that Pope Boniface III. (A.D. 606) held a Synod of seventy-two bishops and many priests, etc., in S. Peter's Church at Rome, and there promulgated the decree that, so long as a bishop lives, no one should speak of his successor, and no one should venture to get up a party for himself. Not until the third day after the burial should the election of the new bishop be undertaken by the clergy.[3]

We receive a short account of another Roman Synod, held A.D. 610, through the Venerable Bede, who (lib. ii. c. 4) relates that Bishop Mellitus of London had travelled to Rome, in order to take counsel with Pope Boniface IV. on certain matters of importance which affected the English Church.[4] He says that the Pope, with the bishops of Italy, now held a Synod, in order to draw up ordinances *de vita monachorum et quiete.* Mellitus himself was present there, Feb. 27, 610, signed the decrees, and took them back with him to

[1] Fredegari, *Chronicum, ad ann.* 603 and 605, as Appendix to Gregor. Turon. *Hist. Franc.* ad Migne, pp. 618 and 622. In Mansi, t. x. p. 494; Hardouin, t. iii. p. 542.

[2] Mansi, t. x. p. 495 sqq.

[3] Mansi, t. x. p. 502.

[4] We have no further details of this Synod. Baronius supposes (*ad ann.* 610, n. 10 and 11) that Mellitus of London had gone to Rome to receive confirmation of the miracle which had occurred at the consecration of Westminster Abbey. After King Sabareth of Essex built this abbey on the west side of the city of London, during the night it is said that S. Peter came down from heaven and consecrated it. Cf. Montalembert, *l.c.* vol. iii.

England as guides, with the letters of the Pope to Archbishop Lawrence of Canterbury (the successor of Augustine), to the clergy collectively, and to King Ethelbert. Bede tells us nothing more in particular; but the learned Lucas Holstein believed that he had discovered a decree of our Synod, and the letter belonging to it of Pope Boniface IV. to King Ethelbert. The former declares: "Some maintain that monks may not become priests, and administer the sacraments of baptism and penance. This is quite untrue. Gregory (the Great), Augustine, the apostle of the Angles, and Martin of Tours were monks, and nevertheless became bishops. Benedict also, the great teacher of the monks, has not refused to them the reception of the priesthood. They shall only abstain from secular employments; and this applies not merely to monks, but also to canons. The priest-monks, like the canons, are called *angeli*, *i.e.* messengers, because they announce the commands of God. The different orders of angels, however, are so much higher, as they stand nearer to the Lord, when they behold Him. Are not the monks, then, like the cherubim, covered with six wings? Two are for the covering of the head, two others are formed for the covering of the two arms, and also the garment which wraps the body has two wings. No one, therefore, must any longer try to exclude monks from the priestly office; for the more exalted anyone is, the more power he will have."

After this quotation, it is no wonder if the document is almost universally regarded as spurious, and the work of a later monk. Remi Ceillier (*Histoire des auteurs sacrés*, t. xvii. p. 778) thought it not probable that the Pope and so many bishops should have amused themselves with the (trifling) allegorising of the monk's habit. Still more strong are the utterances on the subject of Du Pin (*Nouvelle Bibliothèque*, ed. Mons 1692, t. vi. p. 12, under Boniface IV.) and Bower (*History of the Popes*, vol. iv.). We may add that the manner in which canons are here spoken of points to a time later than Chrodegang, although the expression *Canonici clerici* appears earlier (sec. 251).

The supposed letter of Pope Boniface IV. to King

Ethelbert contains only a confirmation of the monastery founded at Canterbury, and betrays its spuriousness by the statement that Bishop Mellitus had journeyed to Rome on account of this matter (alone), whilst, apart from every other consideration, this monastery did not belong to his diocese.[1]

Less doubtful, but yet not entirely uncontested, is our information respecting a provincial Synod at Toledo, A.D. 610. The short minutes ascribed to it say that the bishops of the whole Cathaginian province had recognised the see of Toledo as metropolitan see, and in this they were saying nothing new, but only recognising the privilege which it had long possessed (sec. 241). A fuller explanation is given in a contemporaneous decree of the West Gothic King Gundemar, in which he also, on his side, ordains that the whole Carthaginian province must be subject to the metropolitan of Toledo. He adds that this had been contested by several bishops, and that they had endeavoured to split the Carthaginian civil province into two ecclesiastical ones, resting upon this that Bishop Euphemius of Toledo, at the Synod of the year 589 (sec. 287), in his subscription, had entitled himself only metropolitan of the province of Carpetania. Euphemius had done this, said the King, only by mistake, for Carpetania was not a province, but only a *regio*, a part of the *Carthaginiensis provincia*. As the other civil provinces, Lusitania, Bætica, Tarragonensis, had each only one metropolitan, this must be the case also with the Carthaginian, and whoever should endeavour to disturb this order, besides the ecclesiastical punishment (threatened by the Synod), would feel the severity of the King. Along with the King, twenty-six archbishops and bishops subscribed, who were at the royal court, foremost among them S. Isidore of Seville.

Finally, the collectors of Councils added to our Synod three short petitions from persons belonging to the diocese of Mentesa (in the province of Toledo), in which they prayed that a certain Æmilian, by them much commended, should be made bishop. These three documents, however, certainly

[1] The Acts in Mansi, t. x. p. 503; Hardouin, t. iii. p. 543.

belong to another time, since another Bishop of Mentesa, James, was present at our Synod.[1]

Under the successor of Gundemar, King Sisebut, Archbishop Eusebius of Tarragona, celebrated a provincial Synod at Egara with his suffragans on January 13, 614. That this city is identical with the present Terrassa, near Barcelona, was shown by Baluze in a special dissertation. The Synod of Egara, however, contented itself with enforcing anew the ordinances of the Council of Huesca in regard to the celibacy of the clergy.[2]

After Chlotar II., by the death of his cousins, had become sole governor of all the Frankish kingdoms, A.D. 613, he summoned the bishops of his empire to a general Synod at Paris (Parisiensis v.), which was the greatest of all the Frankish Synods up to this time, and was attended by no fewer than seventy-nine bishops. In the Collections of Councils (Mansi, t. x. p. 539 sqq.; Hardouin, t. iii. p. 531) we find the Acts, as has been frequently remarked, not quite complete. In the year 1867, however, Professor Friedrich gave the whole minutes of the Synod from a parchment manuscript at Munich ("Three unedited Councils of the Merovingian Period"). In this Munich codex the Acts of this Synod fall into a *Præfatio* and seventeen canons, whilst in the Collections of Councils there are only fifteen of the latter. This arises from the fact that the former canon 1 is with Friedrich divided into two canons, and the Munich canon 4 is entirely lacking in the previous editions. Besides, canon 2 (in Friedrich, 3) was hitherto not quite perfect. Finally, there comes a closing formula along with the subscriptions. From this formula it results that the Synod was celebrated vi Jd. Octobr. (October 10) in the Basilica of

[1] Mansi, t. x. p. 507 sqq. with his *adnotatio critica*, p. 511; Hardouin, t. iii. p. 546; Aguirre, t. ii. p. 433 sqq. The latter and Mansi (*l.c.*) give, after these Acts, also the treatise of Garsias Loaisa on the primacy of the Church of Toledo. Besides this, Aguirre printed an essay on the primacy of Toledo from the famous work of Thomasius, *Vetus et nova ecclesiæ discipl. de beneficiis*, pt. i. lib. i. c. 38. Gams treats of this Synod, *l.c.* S. 71 ff.

[2] Mansi, t. x. p. 531; Hardouin, t. iii. p. 550; Aguirre, t. ii. p. 457. *Coleccion de Canones*, *l.c.* p. 701. Aguirre and Mansi give also the dissertation by Baluze. Gams treats of the Synod of Egara, *l.c.* S. 66 f.

S. Peter (later S. Geneviève) in Paris, in the thirty-first year of Chlotar, *i.e.* A.D. 614, which was not certainly known before. At the close of the previous text it was simply said: "Huic synodo subscripserunt episcopi num. 79"; but the Munich codex gives the names of these seventy-nine bishops, with whom also an abbot was associated. In the first place subscribed Archbishop Aridius of Lyons, and after him followed Florianus of Arles, Domulus of Vienne, Hidulf of Rouen, Sabaudus of Trier, Proardus of Besançon, Solacius of Cöln, Austrigisius of Bourges, Arnegisilus of Bordeaux, Lupus of Sens, Sunnacius of Reims, and Loodomundus of Elusa.[1] They came together, as the preface says, partly to renew ancient canons in accordance with the need of the time, partly to remedy the grievances complained of on all sides, and to take care for the interests of the prince, the people, and the Church. The seventeen canons run:—

1. The old canons must in everything be again observed.

2. After the death of a bishop, he must be ordained as his successor whom the metropolitan with his comprovincials and the clergy and laity of the city in question have elected without simony. Any other ordination is *irrita*. (As remarked, cc. 1 and 2 were in previous collections c. 1.)

3 (hitherto 2). No bishop may, during his lifetime, elect his successor: and so long as the bishop lives, no one may, under any pretext whatever, usurp his place, nor be ordained, unless when it is clear that the bishop is unable to govern his church and clergy. (Addition in the Munich codex: Whoever resists this ordinance falls under canonical punishment.)

4 (new). We have unanimously decreed that if a bishop deposes an abbot uncanonically (*quia fratres nostri sunt*), which will probably never happen, the latter shall appeal to the Synod. In case, however, the bishop dies, his successor shall reinstate the abbot.

5 (hitherto 3). No cleric, in whatever dignity he may

[1] According to this, Trier and Cöln [Trevès and Cologne] were then metropolitan churches, but they had lost this dignity again at the time of S. Boniface. On the bishops present in Paris, A.D. 614, and their sees, Professor Friedrich treated fully, *l.c.* S. 17 sqq.

stand, may, with contempt of his bishop (*contempto episcopo*), apply to a prince or magnate, and select him as patron. Such an one should not be received, unless he can obtain forgiveness (on the part of the bishop). Whoever acts in opposition to this will be punished in accordance with the ancient canons.

6 (4). No secular judge may punish any cleric without knowledge of the bishop. If he does so, he must be excluded from the Church until he recognises his fault, and amends.

7 (5). Liberated slaves stand under ecclesiastical protection, and may no longer be demanded back for the Exchequer. If anyone endeavours to deprive them of liberty, or demands them back for the Exchequer, and does not listen to the exhortation of the bishops, he is excommunicated.

8 (6). That which is given for the maintenance of churches shall be administered in accordance with the will of the giver by the bishop, priest, or cleric serving the church in question. If anyone takes anything from it, he is excommunicated.

9 (7). If a bishop or other cleric dies, the church and private property which he leaves behind may not be meddled with, not even at the command of a King or judge, but it must be preserved by the archdeacon or clergy until the instructions of the will are learnt. Whoever acts in opposition to this is to be excluded from the communion as a murderer of the poor.

10 (8). Even the bishop and archdeacon may not, which hitherto has frequently happened, seize upon what has been left (*præsidium*, see Du Cange, *s.v.*) by an abbot or priest or other minister of a church (= *titulus*) for himself or his church, but it must remain for the place (church) to which the departed has bequeathed it.

11 (9). No bishop or layman may lay claim to the goods of another bishop, or to a church or private property, or take and keep it from anyone, under the pretext of the protection of the kingdom or of a (new) division of the provinces.[1]

12 (10). The testaments of the bishops and of all clerics, in which they make gifts to the church, or to anyone, must

[1] Before *regnorum* we should insert *in*, from which the various reading *interregnorum* has originated.

have validity, even when they are not quite in accordance with the forms of secular law.

11 (11). If a bishop has a trial with another bishop, he must apply to the metropolitan, and not to the secular judge.

14 (12). No monk, and no nun (*monacha*), may go back again from the cloister, under penalty of excommunication *ad exitum vitæ*.

15 (13). Virgins and widows who, remaining in their abodes, have put on the religious habit, or on whom their parents have put it, may not marry.

16 (14). Incestuous marriages are forbidden.

17 (15). No Jew may exercise military or official authority over Christians. If he does so, he must be baptized with his family.

On the 18th of October 615, King Chlotar II. issued an edict, in which he confirmed the ordinances of the Synod, and repeated them with some additions. The most important of these are as follows:—To canon 2: One who is canonically elected bishop needs the confirmation of the King (*per ordinationem principis ordinetur*). To c. 6: Only in civil affairs may the secular judge not take proceedings against clerics without knowledge of the bishop, but certainly in criminal cases, and if the fault lies quite open. Only priests and deacons are here excepted. Matters of dispute between laymen and clerics shall be decided by the secular judge and the spiritual superior in common. To c. 9: If anyone has died without a testament, his relations shall inherit according to the law. The King further promises the removal of unfair impositions, and many other good arrangements, and says at the close that he has given these ordinances at the Council in common with the bishops and nobles.[1]

Another Frankish Council, perhaps also at Paris (*when* is unknown), enforced the ordinances of the above Synod at Paris again, and added new directions. Of its canons there are ten

[1] Mansi, t. x. p. 539 sqq.; Hardouin, t. iii. p. 551 sqq.; Sirmond, t. i. p. 470 sqq.; Pertz, *Monum. Germ. Hist.* t. iii.; *Legum*, t. i. p. 14 sq.; Friedrich, *Drei unedirten Synoden*, etc., Bamberg 1867. According to Maassen's remark, Amort printed (A.D. 1757) the complete Acts of this Synod in his *Elementa juris canon.* t. ii.; but no one knew them. Maassen, *Zwei Synoden unter K. Childerich II.*, Gratz 1867. I have not had access to Amort's work.

extant, viz.: Nos. 1, 2, 4, 5, 8, 9, 11, 12, 13, 14, and the beginning of No. 15. They run:—

1. The ordinances of the Synod of Paris and King Chlotar remain in force.

2. Only in those churches in which relics of the saints are found may altars be consecrated.

4. Monks shall live according to rule in common, and have no property.

5. No baptisms may be held in monasteries, nor divine service for departed people of the world; and the bodies of such persons may not be buried there, except with consent of the bishop.

8. No cleric may have a strange woman in his house.

9. The right of asylum is confirmed.

11. Abbots and archpresbyters without fault may not be deposed nor set up for money. Moreover, no layman must be raised to be an archdeacon, unless when the bishop regards it as quite necessary for the defence of the Church.

12. Priests and deacons may on no account marry, on pain of exclusion from the Church.

13. If the bishop or a priest has excommunicated any one, he must give notice to the neighbouring cities or parishes, with a statement of the offence committed. If anyone, after receiving such information, nevertheless has intercourse with the excommunicated person, he shall be excommunicated for two years.

14. If freemen have sold or pledged themselves for money, they return immediately into their state as soon as they repay the sum received; and no more shall be demanded of them than has been given for them.

15. Of this only the following words remain: "Si quis Christianorum diœcesim, quæ ab anterioribus episcopis."[1]

This Synod is perhaps identical with that which is mentioned by the almost contemporaneous Frankish historian Fredegar. It was held by Chlotar, with the bishops and barons of Burgundy, in the thirty-third year of his reign (618), in the Villa Bonogelo (Bonneuil, in the neighbourhood of Paris and Meaux).[2]

[1] Mansi, t. x. p. 546; Hardouin, t. iii. p. 555

[2] Mansi, t. x. p. 546.

Among the Synods is reckoned also a meeting in Kent, where the three bishops, Mellitus of London, Lawrence of Canterbury, and Justus of Rochester, took the resolution to leave the Anglo-Saxon kingdom and to flee to Gaul, because, in the kingdoms of Kent and Essex, heathenism had again become dominant.[1]

A rather large and wordy set of minutes exist of the provincial Synod which Isodore of Seville held with his suffragans in the Jerusalem Church of his episcopal city on November 13, 619 (Hispalensis II.). Two royal officials were also present, and many clerics. They decreed, with many references to analogies in secular legislation:—

1. The bishopric of Malaga shall receive back those districts which were torn from it by war, and came to the bishoprics of Astigis, Elvira, and Agabro (Egabra).

2. The controversy about boundaries between the bishops of Astigis and Corduba shall be decided by a commission.

3. No cleric may, without the consent of his bishop, pass into the service of another church.

4. In the diocese of Astigis some men who had married widows were recently ordained Levites. This ordination is invalid.

5. The departed Bishop Anianus of Egabra ordained a priest and two deacons in this wise, that he, being blind, only laid his hand on them, whilst a priest gave the benediction. This ordination is invalid.

6. The priest Fragitanus of Corduba, whom his bishop improperly deposed, is restored, and it is declared that no individual bishop, but only the provincial Council, may depose a priest or deacon.

7. The setting up and consecration of an altar, and also the confirmation, the public reconciliation of a penitent in the Mass, etc., can be completed only by a bishop, not by a priest.

8. Elisæus, a freedman of the Church of Egabra, is condemned to slavery again, because he has injured the bishop and the Church of Egabra.

[1] Related by Ven. Bede, *Hist. Angl.* ii. 5. In Mansi, t. x. p. 555. Cf. Schrödl, *l.c.* S. 55.

9. Some of the bishops present have laymen for stewards. According to c. 26 of Chalcedon (sec. 200, vol. iii. p. 410), only clerics are to be appointed to such a post.

10. The newly-erected monasteries in the province of Bætica are confirmed, and every kind of plundering or the removal of a monastery is forbidden to bishops on pain of missing salvation.

11. The convents for women in Bætica shall be administered and guided by monks. The latter must, however, dwell apart, and they may converse only with the superior, and with her before witnesses.

12. A Monophysite bishop from Syria, after disputations for several days, put forward an orthodox confession of faith, and was received.

13. Further, the orthodox doctrine, in opposition to the Monophysites, of the duality of the natures and the unity of the person was fully explained, and proved by many passages from the Bible and the Fathers.[1]

From an anonymous history of the Armenian patriarchs, Galanus, who translated it (*Conciliatio Eccles. Armen.* t. i. p. 185), gained the intelligence, that the Armenian patriarch Esra (Jeser Necainus), who was attached to the orthodox faith, endeavoured to drive away the Monophysite heresy from his people, and to this end asked help of the Emperor Heraclius, who had come to Armenia in his expedition against the Persian King Chsoroes. Supported by him the patriarch, about the year 622, held a great Synod at Garin or Charnum (later, Theodosiopolis) in Greater Armenia. Many Armenian bishops and nobles, also Greeks and Syrians, were present at the command of the Emperor, and it was resolved to adopt the decrees of Chalcedon, to leave out, in the *Trisagion*, the addition, "who was crucified for us" (secs. 208, 213), and no longer to celebrate the birth and the baptism of Christ on one day.[2]

It is stated by Tschamtschean, in his *Armenian National*

[1] Mansi, t. x. p. 555 sq.; Hardouin, t. iii. p. 558 sq.; Aguirre, t. ii. p. 462 sq.; *Coleccion de Canones*, etc. *l.c.* p. 666 sq.; Gams, *l.c.* S. 85–90. Cf. Pagi, *ad. ann.* 619, n. 2.

[2] Mansi, t. x. p. 571

History (Bd. ii. S. 537 ff.), that the Emperor Heraclius called the Catholicus Esra to him, and invited him to union with the orthodox Church. The catholicus at first laid down the condition that, on the orthodox side, they should give up the Council of Chalcedon. When, however, the Emperor threatened him, that he would appoint another catholicus for the parts of Armenia which were subject to him, he was more compliant, examined the confession of Chalcedon, found nothing wrong in it, accepted it at the Synod of Garin, with a number of other high Armenian ecclesiastics, and rejected the Synod of Dovin (sec. 240). On the other hand, Tschamtschean denies (1) that this union with the orthodox Church in Armenia had any long continuance, and (2) that anything was decided at the Synod of Garin in regard to the doxology or the Christmas festival. Tschamtschean also believed that the Synod should be assigned to the year 627 or 629. Later on, in the history of the Monothelite controversies (sec. 291), we shall come back to this.[1]

We cannot ascertain with exactness the time of a Synod held at Macon. It falls between 617 and 627, and was occasioned by a quarrel between Abbot Eustasius of Luxovium and his monk Agrestin. The latter, supported by Bishop Apellinus of Geneva, set every lever in motion in order to do away with the rule of S. Columbanus, who had founded the monastery at Luxovium. But the Synod decided against him, in favour of the rule and in favour of the abbot. The Acts of the Synod are not extant; but we have a short notice of it from Jonas in his *Vita Eustasii Abbatis Luxoviensis*.[2]

We obtain information respecting the first Synod of Reims through Flodoard, the historian of the Church of Reims (sec. x.), and he gives us even the names of the bishops present, and their twenty-five canons; but he is silent as to the year in which it was held. Sirmond thought we ought to place it about the year 630, because Rusticus of Cahors (Cadurci), who was present there, was made a bishop under

[1] On the Synod of Garin, Assemani wrote a dissertation (*Biblioth. juris orientalis*, t. iv. p. 12, and t. v. p. 207 sq.).

[2] Printed in Mansi, t. x. p. 587; Hardouin, t. iii. p. 570; Sirmond, t. i. p. 477; Montalembert, *l.c.* t. ii.; Greith *Die altirische Kirche*, S. 296.

King Dagobert, and Dagobert succeeded his father, Chlotar II., in the year 628. In opposition to this it has been remarked by several, and most effectively by Mansi (t. x. p. 591, note 1), that Dagobert received Austrasia as his own kingdom so early as the year 622, during the lifetime of his father, and that our Synod should be placed in 624 or 625. Among those present we find Senocus or Sanctius of Elosa and Arnulf of Metz. Now Senocus was made bishop of Elosa in 624, so that the Synod cannot have been held *earlier*. Arnulf, however, resigned in the year 625, so that the Synod cannot be placed later. Archbishop Sonnatius (Sunnatius) of Reims presided, and there were, says Flodoard, forty or more bishops assembled around him. We find among them, besides those already mentioned, the Archbishops Theodoric of Lyons, Sindulf of Vienne, Modoald of Trier, and S. Cunibert, bishop of Cöln, and Lupoald of Mainz. They decreed:—

1. Church property may not, by prescription, pass into the possession of another.

2. Clergymen who enter into conspiracies and lay snares for the bishop are to be deposed.

3. The canons of the general Synod of Paris under King Chlotar (above) shall have force.

4. The clergy must carefully follow up the heretics in Gaul, and convert them.

5. No one shall be hastily excommunicated; and the excommunicated can appeal at the next Synod.

6. The secular judge who punishes or dishonours a cleric without knowledge of the bishop, and on any ground whatever, is to be excommunicated. The bishops, however, shall punish one in fault. The census-takers[1] of the State may not be received into the religious state (as clerics or monks) without permission of the prince or judge.

7. The right of asylum is vindicated to the Church.

8. Incestuous marriages are forbidden, and are to be punished by the secular power with loss of offices, even military, and with seizure of property.

[1] *Hi, quos publicus census spectat* = those who are bound to serve the State with their goods or with their person. Cf. Du Cange, s.v. *census regalis* and *consiles homines*.

9. Communion must not be held with a murderer. If he has done penance, the viaticum may be administered to him at his death.

10. Clerics and laymen who keep back or wish to annul presents made by their parents or themselves to churches and monasteries, are to be excluded from the Church.

11. Christians must not be sold to Jews or heathens. If anyone does so, he is excommunicated and the purchase is invalid. If a Jew wants to pervert his Christian slaves to Judaism, or cruelly tortures them, he loses them, and they fall to the Exchequer. Jews must not hold a public office, and their insults against Christians are to be wholly suppressed.

12. A cleric shall not travel without letters testimonial from his bishop. Without such he may not otherwise be received.

13. A bishop may not sell the property, or even the slaves, of the Church.

14. If anyone imitates sorcery and other heathenish usages, and partakes with the heathen in superstitious banquets, he must undergo penance.

15. Slaves cannot be accusers; and generally, if an accuser does not prove his first accusation, he may not proceed to a second.

16. If anyone, after the death of a bishop, before the opening of the Testament, touches any of the property he has left, he is to be completely excluded from the Church.

17. A freeman may not be made a slave.

18. Clerics may not apply to the secular judge without permission of the bishop, either in private or in ecclesiastical cases.

19. In the rural parishes no layman must be appointed archpresbyter.

20. If anything is presented to the bishop, whether to him and the Church together or to him alone, it does not belong to the bishop as personal property, but is the property of the Church; for he who presents it has a care for the salvation of his soul, not for the use of the bishop. Justice also demands that, as the bishop has what is left to the

Church, so the Church should have what is given to the bishop. If anything, however, is left in trust to the bishop or the Church, so that it has to come to another afterwards, the Church may not retain this as her property.[1]

21. If a bishop takes anything away from another church, whether for his own advantage or for that of his church, as he cannot be excommunicated, he must be deposed.

22. If a bishop, except in urgent need, for the redemption of prisoners, alienates the vessels of the church, he is to be deposed.

23. Maidens and widows who have dedicated themselves to God, no one, even with permission of the King, may seize and marry.

24. Judges who violate the canons in opposition to the royal commands and the edict issued by the King at Paris, are to be excommunicated.

25. If a bishop dies, only a native of his city shall be chosen as his successor, by the vote of the whole people and the assent of the provincial bishops.[2]

A considerable number of other canons were ascribed by Burchard of Worms and Ivo of Chartres to the Council of Reims. We find, moreover, in the collections, twenty-one other *Statuta synodalia ecclesiæ Rhemensis per Dominum Sonnatium* (Mansi and Hardouin, *ll.cc.*), which perhaps proceed from a diocesan Synod under Archbishop Sonnatius.

Of a Council at Clichy near Paris (Clippiacense), which was held about this time, we were unable to say anything in the first edition of this work except the name. The Acts of this Synod have, for the first time, become known to us through the work of Friedrich already mentioned. He found them, like those of the Synod of Paris of 614 and the Synod of Elusa of 551, in a parchment codex belonging to the Court and State Library at Munich. From the introduction to the

[1] Repetition of c. 6 of Agde, sec. 222.

[2] Flodoard, *Hist. Eccles. Rhemensis*, lib. ii. c. 5, printed in Mansi, t. x. p. 591 sqq.; Hardouin, t. iii. p. 750 sqq.; Sirmond, t. i. p. 479 sqq.; Bruns, pt. ii. p. 261 sqq.; and in the fine work, *Les Actes de la Province ecclésiastique de Reims*, by Cardinal Gousset, Reims 1842, t. i. p. 37 sqq.

minutes of the Synod it appears that the bishops assembled at the wish of King Chlotar II.; from the close of the document, however, it appears that this took place on the *V. Kal. Oct. ann. xlvi.* of King Chlotar, therefore on the 27th of September 626. They only repeated the canons of the Synod of Reims (of the year 625), and with them implicitly those of the Paris Synod of 614. The only new part is their express mention, in c. 5, of the Bonosians (*Bonosiaci*) among the heretics (vol. iii. sec. 164; and below, sec. 290), besides c. 1, which is also new: "Episcopus, presbyter, vel diaconus usuras ab episcopatibus (?) exigens aut desinat aut certe damnetur. Nam neque centesima exigant aut turpia lucra requirant. Sexsuplum vel decaplum prohibemus omnibus Christianis."

The minutes were subscribed by forty bishops (at their head the archbishops of Lyons, Bourges, Vienne, Sens, Tours, Reims, and Elusa), an abbot, and the deacon Samuel of Bordeaux. The bishops of Besançon, Trier, and Cöln, whom we met (A.D. 614) at Paris as archbishops, subscribed here after the other bishops. As we know from S. Boniface, the metropolitan arrangements in the Frankish kingdom, in the seventh century, had departed from the ordinary usage.

About the year 630, Pope Honorius required the Irish (Scots) to adopt the Roman rule for finding Easter. They arranged a national Synod (A.D. 630–633) at Lenia (Leighlin, in the south of the island), and here after very lively discussions they united in the resolution to send some men to Rome, in order to see with their own eyes how it stood there. These deputies declared after their return that they had seen in Rome of the faithful from all parts of the world celebrating Easter on the same day; and it was particularly Abbot Lasrian of Lenia, one of the deputies to Rome, and Abbot Cummian (a disciple of Columba), who recommended with great ardour the adoption of the Roman practice. In consequence this use was adopted in the south of Ireland, but not in the north, and still less by the Picts and Scots of Caledonia. Abbot Cummian, however, soon found it necessary, on account of his adhesion to the Roman manner, to defend himself in a special tract, in which, among other things, he says: "Can anything more preposterous be imagined than the

contention: Rome is in error, Jerusalem is in error, Antioch is in error, the whole world is in error. Only the Scots and Britons do not err![1]

Sec. 290. *The Synods not referring to Monotheletism between* A.D. 633 *and* 680.

Chronology would require us now to speak of the Alexandrian Synod in June 633, which was occasioned by the Monotheletic controversies. That would soon be followed by alternating Councils, some of them having no connection with this controversy, and others which were related to it. In the interest of the connection of subject, however, we prefer to separate the one class from the other, and first to treat of those Synods which were held between the years 633 and 680,—up to the time of the sixth Œcumenical Council,—but without touching on the Monothelite controversy. The first of them is the Spanish general or national Synod[2] in the Church of S. Lescadia at Toledo (*Toletana* IV.), December 5, 633.[3] It was convoked by King Sisenand, and attended by sixty-two bishops from Spain and Narbonensian Gaul, under the presidency of S. Isidore of Seville. At the very beginning the King devoutly threw himself on the ground before the bishops, and asked with tears for their intercession with God. He then exhorted them to preserve the rights of the Church in accordance with the ancient canons, and to correct abuses which had crept in; and they fulfilled this commission in seventy-five *Capitula*. They began—1. with the confession of the orthodox faith, with the *filioque*,[4] and then ordain:—

[1] Montalembert, *Moines de l'occident*, vol. iv.; Pagi, *ad ann.* 633, n. 26, 27; Mansi, t. x. p. 611.

[2] The Spanish national Councils are often called *universalia*. See vol. i. p. 78.

[3] Instead of *Nona Decembris*, we should read *Nonis Decembris*. Cf. Mansi, t. x. p. 469. Ferreras, *Geschichte von Spanien*, Bd. ii. S. 367, supposes that the Synod, on account of its numerous decrees, must have extended into the year 634.

[4] Their creed runs thus: "Secundum divinas scripturas doctrinamque, quam a S. Patribus accepimus (tradition), Patrem, et Filium, et Spiritum Sanctum unius deitatis atque substantiæ confitemur, in personarum diversitate Trinitatem credentes, in divinitate unitatem prædicantes, nec personas confundimus, nec substantiam separamus. Patrem a nullo factum vel genitum dicimus, Filium

2. In all Spain and Gaul (*Narbonensis*) one and the same kind of psalmody, celebration of mass, vespers, and matins shall be introduced.[1]

3. Every year a Council shall be held at least once. If the matter in question is a point of faith or any other subject of universal interest, a general Synod must be convoked from all Spain and Gaul. In other cases each province can hold its own Council on the 18th of May. If anyone wishes to make complaint of bishops, judges, magnates, or anyone whatever, he must do so before such a Council, and an *executor regius* will give effect to the judgment of the Council. He will also admonish the judges and men of the world to appear at the Synod.

4. Prescriptions, how Synods are to be held (given in vol. i. 64 sqq.).

5. Since sometimes a difference has come in, regarding the announcement of Easter, through erroneous Easter tables, the metropolitans shall henceforth take counsel with each other, by letter, three months before the Epiphany, respecting

a Patre non factum, sed genitum asserimus, Spiritum vero sanctum nec creatum nec genitum, sed procedentem ex Patre *et Filio* profitemur. Ipsum autem Dominum nostrum Jesum Christum, Dei Filium, et Creatorem omnium, ex substantia Patris ante sæcula genitum, descendisse ultimo tempore pro redemptione mundi a Patre, qui nunquam desiit esse cum Patre. Incarnatus est enim ex Spiritu Sancto et sancta gloriosa Dei genitrice origine Maria, et natus ex ipsa, solus autem Dominus Jesus Christus, unus de Sancta Trinitate, anima et carne perfectum, sine peccato, suscipiens hominem ('humanam naturam,' would be more exact. Cf. S. Thomas, *Summa*, pt. iii. quæst. 4, art. 3), manens quod erat, assumens quod non erat, æqualis Patri secundum divinitatem, minor Patre secundum humanitatem, habens in una persona duarum naturarum proprietatem; naturæ enim in Illo duæ, Deus et homo, non autem duo Filii, et Dei duo, sed idem una persona in utraque natura, perferens passionem et mortem pro nostra salute, non in virtute divinitatis, sed infirmitate humanitatis. Descendit ad inferos, ut sanctos qui ibidem tenebantur crueret; devictoque mortis imperio resurrexit; assumptus deinde in cœlum, venturus est in futurum ad judicium vivorum et mortuorum; cujus nos morte et sanguine mundati remissionem peccatorum consecuti sumus; resuscitandi ab eo in die novissima, in ea qua nunc vivimus carne, et in ea qua resurrexit idem dominus forma, percepturi ab ipso alii pro justitiæ meritis vitam eternam, alii pro peccatis supplicii æterni sententiam."

[1] Gams, *l.c.* S. 92, contests the opinion that the Mozarabic Liturgy was established in Spain by this canon. The canon does not order the introduction of a new liturgy, but simply that the liturgy which exists in the greatest part of the West Gothic kingdom is to be carried out in the remaining parts.

the time of Easter, and then make known the right date to their comprovincials.

6. As in Spain some in baptizing dip only once and others three times, and so with many doubts arise whether someone has been validly baptized, we will receive instructions in regard to this difference from the apostolic see, namely, from Pope Gregory of blessed memory. The latter, in his letter to Bishop Leander, approves as well the single as the triple immersion; but he adds: "If hitherto, in Spain, only the heretics (Arians) have used a triple immersion, in order *dum mersiones numerant, divinitatem dividant*, the orthodox must no longer employ the triple immersion." Accordingly the Synod decrees the universal introduction of the single immersion as a symbol of the death and resurrection of Christ, and of the unity in the Trinity.

7. In some churches there is no divine service on Good Friday. This should not be. Rather on this day the mystery of the cross should be preached, and God should be publicly entreated by all people for the forgiveness of sins.

8. Some cease their fast at the ninth hour on Good Friday. This should not be.

9. In the Gallican churches, in the Easter vigil, neither lamp nor taper is blessed, while they are in Spain. In future this should be done there also.

10. Some clerics in Spain say the *Pater Noster* only on Sunday. It must be said daily; and if any cleric omits this in the public or private office, he is to be deposed.

11. During the whole of Lent the Alleluia is not to be sung. So also not on the 1st of January, which is kept by many as a fast day, in opposition to heathenish customs.

12. The *Laudes* are to be sung, not before, but after the Gospel.[1]

13. It is not right to reject all the hymns composed by Hilary and Ambrose, and to sanction only biblical hymns in the use of the Church.

14. In all Spain and Gaul the Hymn of the Three Children

[1] Under *Laudes* we are to understand the versicle with Alleluia, which, in the Mozarabic Liturgy, follows immediately after the Gospel, whilst that and the *Apostolus* (Epistle) are separated only by Amen.

(boys) in the Furnace shall be sung in every office. (*Missa*, cf. sec. 219 *ad fin.*)

15. At the end of the Psalms not merely shall the *Gloria Patri*, etc., be sung, as is done by some, but *Gloria et honor Patri*, etc., after Ps. xxxviii. 1 and Rev. v. 13.

16. In the chants this rule shall be followed: If it is joyful, the *Gloria* is to be added; if it is sad, the beginning is to be repeated.

17. The Apocalypse is to be recognised as a sacred book, and to be read in the office (*Missa*) from Easter to Pentecost.

18. Some receive the Holy Communion immediately after the Lord's Prayer (*Pater Noster*), and afterwards give the blessing to the people. In future, after the *Pater Noster* the bread and chalice shall be united (mixed), then the people blessed, and then only the sacrament of the Body and Blood of the Lord received; and this by the celebrant and the Levites before the altar, by the clergy in the choir, and by the people outside the choir.

19. The old ordinances on the point, who may not be ordained a bishop, are collected and appended; also, that the consecration of an ordinary bishop must be celebrated on a Sunday by at least three bishops, at the place appointed by the metropolitan, but the consecration of the latter in the metropolitan city.

20. Only one who is twenty-five years old can become a Levite, and one who is thirty, a priest.

21. The *Sacerdotes* (bishops and priests) must be chaste.

22. They must also avoid all appearance of evil, and therefore the bishops must always be surrounded in their dwelling by witnesses of their walk.

23. So with priests and Levites, if on account of the altar or of sickness they live in their own cells, and not in the dwelling of the bishop.

24. All younger clerics must reside in one locality and be under the oversight of a tried cleric of higher rank, who shall be their teacher and the witness of their walk.

25. The priests shall be instructed in the Holy Scriptures and in the canons, and edify all by their knowledge of the faith and by the purity of their works.

26. If a presbyter is set over a rural parish, he shall receive a *liber officialis* from the bishop, so that he may rightly understand his duties. If he comes to the litanies, or to the diocesan Synod, he shall give the bishop an account of his discharge of his office.

27. Such presbyters must swear to the bishop to live chastely.

28. If a bishop, priest, or deacon has been unjustly deposed, and is recognised as innocent in a later Synod, he must receive back his lost degree before the altar; in the case of the bishop, through reception of the orarium, the ring, and the staff; the priest, by reception of the orarium (stole) and planeta (chasuble); the deacon, by reception of the orarium and alb; the subdeacon, by reception of the paten and chalice; and similarly the others.[1]

29. If a cleric consults soothsayers and the like, he is to be deposed, and confined in a convent to perpetual penance.

30. Bishops on the border of a hostile power must not enter into secret intercourse with the enemy.

31. If in certain cases clerics are appointed judges by the King, they may accept the office only on condition that the King first takes oath not to allow anyone who is found innocent to be executed. If the cleric does not make this condition, and gives occasion for the shedding of blood, he must be deposed.

32. If a bishop sees that a judge oppresses the poor, he shall admonish him; and if he does not amend, he must inform the King of him. If he fails in this, he is to be punished by the Council.

33. It sometimes happens that bishops, from covetousness, take for themselves what was given for churches, so that there is often a lack of clerics for these churches, and for the repair of the church buildings. Bishops may claim only one-third of the oblations, tributes, and fruits. Moreover, not the donor, but the bishop has the administration of the property presented by anyone to the Church.

[1] This was no *reordinatio*, but a *restitutio*. Cf. J. Hergenröther, *Die Reordinationen der alten Kirche*, in the Austrian *Vierteljahrschrift für Kath. Theol.* 1862, S. 207 ff.

34. If a bishop has had possession for thirty years, without protest, of a diocese (= parish, sec. 22, c. 54, of Agde) which belongs to another bishop, it remains with him, in case it is in the same ecclesiastical province (as his diocese).

35. Newly built churches belong to the bishop in whose district they lie.

36. Bishops must visit their dioceses, to ascertain what repairs each church may need.

37. If a bishop, by the assistance (*suffragium*) of anyone, has obtained a benefit for the Church, and has for this promised a reward to anyone, he must keep this promise.

38. If anyone who has made presents to the Church afterwards becomes poor, the Church must support him.

39. The deacons may not raise themselves above the presbyters, and stand in the first choir whilst the priests are in the second.

40. No bishop or priest, much less a deacon, may wear two oraries (stoles). The latter must wear the orarium on the left shoulder, because he *orat, id est prædicat.* The right side of the body he must have free, in order that he may, without hindrance, do his service.

41. All clerics, even lectors, must, like the Levites and priests, shave the whole front part of the head, and leave behind only a circular crown. In Galicia, heretofore, the clerics have worn long hair, like the laity, and have only shorn a little circle in the middle of the head. This may not, in future, be so; for in Spain only heretics had such a (small) tonsure.

42. No woman may reside with clerics, except a mother, sister, daughter, or aunt.

43. If clerics have intercourse with strange women, the latter shall be sold, the clerics do penance.

44. Clerics (of lower rank) who, without permission of the bishop, marry a widow, a deserted woman, or a prostitute, must be separated by their bishops (*separari, i.e.* excluded from the clergy. Cf. Florez, *España Sagrada*, t. vi. p. 163).

45. Clerics who, on occasion of a riot, voluntarily take up arms, are to be deposed, and shut up in a convent for penance.

46. A cleric who destroys graves is to be deposed, and punished with penance for three years. The secular laws punish this crime with death.

47. At the command of King Sisenand, the Synod decreed that all free clerics should be free from all public indictions (*i.e.* feudal dues and taxes, see Du Cange, *s.v.*) and services, in order that they may be able to serve God without disturbance.

48. Bishops shall select stewards from among their own clergy, according to canon 26 of Chalcedon (see sec. 200 in vol. iii.).

49. If a man becomes a monk either by the piety of his parents or by his own will, he may not return into the world again.

50. If any clerics wish to become monks, and to choose a *melior vita*, the bishop may not hinder them.

51. The Synod learnt that some bishops use the monks for work like slaves, and regard the convents almost as their own property, This may not be. The bishops have only those rights over the monks which are reserved in the canons; namely, they may exhort the monks to a holy life, institute abbots and other presidents, and reform all irregularities.

52. It happens that monks return to the world, or even marry. They must be brought back to the convent which they have left, and have penance imposed upon them.

53. Religious who are neither clerics nor monks, and vagrant religious, shall be brought to order by the bishop of the neighbourhood where they are found, and placed among the clergy or sent into a convent. Only in the case of the old and sick can the bishop make an exception.

54. One who receives penance in peril of death, without confessing open crime, but simply declaring himself to be a sinner, may after his recovery become a cleric. But he who has done penance in such wise that he has openly confessed a mortal sin, can never become a cleric.

55. Laymen who have received penance and have shorn themselves, but afterwards, sinning again, have become laymen, *i.e.* have left the position of penitents (see secs. 222 and 224), must be called back by the bishop to the life of

penitence. If they do not return, they are to be solemnly anathematised as apostates. The like shall be done with those who have cast off the religious habit, and have assumed the secular one again; also with virgins and widows dedicated to God.

56. There are two kinds of widows, the secular and those dedicated to God (*sanctimoniales*). The latter have laid aside the secular dress, and have assumed the religious habit in the church. They may no longer marry.

57. Henceforth no Jew may be compelled to the reception of Christianity. Those who were compelled under King Sisebut, and received the sacraments, must remain Christians.

58. Many clerics and laymen in the past have allowed themselves to be bribed by Jews, and have protected them. Whoever does so in the future is to be anathematised and excommunicated.

59. In regard to the Jews who have adopted the Christian faith, but subsequently relapse into Jewish usages, and even circumcise others, the holy Synod decrees, with the consent of King Sisenand, that such transgressors shall be compelled by the bishop to return to the faith. If those circumcised by them are their sons, they shall be separated from their parents; if they are slaves, they shall be liberated.

60. The (baptized) sons and daughters of Jews,[1] generally shall be separated from their parents, and shall be brought up either in convents or by Christian men or women.

61. Although baptized Jews who have again apostatised have deserved the confiscation of their goods, yet shall their children, if they are believing, inherit the property of their parents.

62. Baptized Jews must have no intercourse with the unbaptized.

63. If a Jew has a Christian wife, if he wishes to con-

[1] Several MSS. read filios vel filias *baptizatos*; and this is certainly correct. Only the already baptized Jewish children are to be separated from their parents. Others, *e.g.* Richard in his *Analysis Concil.* t. i. p. 620, and Roisselet de Sauclières in his *Histoire des Conciles*, t. iii. p. 21, supplied, after *Judæorum*, the word *apostatarum*; but (α) c. 59 decided what was to be done with children of apostate Jews; and, besides, (β) this suggestion has no MS. authority.

tinue to live with her, he must become a Christian. If he does not, they are to be separated, and the children are to follow the mother. In like manner the children of unbelieving (Jewish) mothers and Christian fathers must be Christians.

64. Baptized Jews who have fallen away from the faith may not be witnesses, even though they maintain that they are Christians.

65. On command of the King, the Synod orders that Jews and the sons of Jews shall discharge no public offices.

66. Jews may not buy or possess Christian slaves. If they have such, they become free.

67. Bishops may not liberate the slaves of the Church, unless they indemnify the Church for the same out of their own resources. If otherwise, the successor of the bishop may recover those whom he has freed.

68. If the bishop wishes to emancipate a slave of the Church, without reserving to the Church the right of protection (*patrocinium*, see canon 70), he must, in presence of the Council, give to the Church in compensation two other slaves of like value.[1]

69. Bishops who leave any property to the Church may emancipate slaves belonging to the Church to the value of their bequest.

70. Those emancipated by the Church remain, with their descendants, in the patrocinium of the Church, and owe obedience to the bishop.

71. If they wish to withdraw from the patrocinium of the Church, they shall lose their freedom again.

72. The Church must defend the freedmen who stand under her protection.

73. Those who were emancipated without the patron having reserved an *obsequium* for himself, may become clerics. Those, on the contrary, in the case of whose emancipation an *obsequium* was reserved, still owe service to their patron, and cannot become clerics, because the master has it in his power to make them slaves again.

74. Slaves of the Church may become priests and deacons,

[1] Mansi has *dum* instead of *duo*.

if they are previously emancipated. Whatever they earn, however, or may have presented to them, they must, at their death, leave to the Church. If they complain and testify against the Church, they lose their clerical rank and their freedom.

75. The oath of fidelity given to Kings must be preserved inviolate. The most zealous warnings are given against riots, conspiracies, and plots to murder, formed against the King, under threats of anathema and entire exclusion from Christianity. Nor must anyone make an attempt on the throne; but when the Prince dies the heads of the people shall, in common with the bishops, appoint a successor in the government. At the same time, King Sisenand and all subsequent Kings are exhorted to govern with mildness and justice, and to pronounce sentences of death and other great punishments, not by himself alone, but only when the tribunal has found the guilt to be undeniable. Cruel and unjust Princes are warned that Christ the Lord would condemn them. Neither Suinthila (the former King), who, on account of his crimes, deprived himself of his kingdom, and laid down the sceptre, nor his wife and children, shall ever again be raised to honour and dignity, and shall retain only so much of their unjustly gotten property as the King grants them.[1] Gelanes, the brother of Suinthila, who was faithless to him as to Sisenand, shall, with his family, be expelled from the nation, and lose his goods, except what the King leaves him. Finally, the Synod closed with a doxology to God, and with pious wishes for the welfare and happiness of the King.—The first signatures were those of the six metropolitans, Isidore of Seville, Selva of Narbonne, Stephen of Emerita, Julian of Braga, Justus of Toledo, and Andar of

[1] King Suinthila had subjected the Vasconians (Basques), and annihilated the remains of the Byzantine power over Spain, so that, through him, the Gothic kingdom increased in extent and strength. But after some time he became a cruel tyrant, so that he had many executed, only that he might lay hold of their property. An insurrection broke out, and at the head of the insurgents stood Sisenand, governor of Narbonensian Gaul. Supported by Dagobert the Great, King of the Franks, he fitted out an army. All fell away from Suinthila. To save his life he laid down his crown and sceptre, and Sisenand was proclaimed King at Toledo.

Tarragona, in order of consecration; and after them fifty-six bishops and seven representatives of absent bishops.[1]

That the care of the Fathers of Toledo, shown in the last canon, for the peace of the kingdom was not superfluous, was soon shown by the events which took place after the death of King Sisenand in March 636. Almost contemporaneously with him died the Metropolitans Justus of Toledo and Isidore of Seville, the former a few days before, and the latter a few days after the King. The selection of a new King, as it appears, was difficult. They found great difficulty in coming to an agreement, and several candidates had not the requisite qualifications. Finally, at the beginning of April 636, Chintila, brother of Sisenand, was elected King, and he immediately convoked a Synod, partly for the confirmation of his throne, and partly to arrange ecclesiastical affairs. This is the fifth Synod of Toledo, a Spanish national Council.[2] Two and twenty bishops and two representatives[3] assembled in the Church of S. Leocadia in Toledo, under the presidency of the new archbishop of that place, Eugenius I. (successor of Justus); and the King, too, was present with the heads of the people and the officials of the palace. Immediately after his entrance into the Synod, the King prayed the bishops for their intercession with God: and they drew up the following decrees:—

1. Annually, in the whole kingdom, from the 14th of December, three days onwards, litanies (intercessory processions) shall be held. If a Sunday falls on one of those days, they are to be put off until the next week.

2. That which was provided, in regard of the kingdom, in the former Synod (canon 75), remains in force, and it is added, that the descendants of the King, protected in their lawful property, must not be robbed by a later King.

[1] Mansi, t. x. pp. 611–650; Hardouin, t. iii. p. 575 sqq.; Aguirre, t. ii. p. 477 sqq.; Bruns, pt. i. p. 220 sqq.; *Coleccion de Canones*, etc. t. ii. p. 261 sqq.; Gams, *l.c.* S. 90–101; cf. Florez, *España Sagrada*, t. vi. p. 160.

[2] As the edict of the King which followed upon the Synod is dated June 30, 636, the Synod would have been held about the end of June.

[3] The bishops present belonged to the ecclesiastical provinces of Toledo (the majority), Tarragona, Narbonne, and Emerita. Of those belonging to Seville and Bracara, none was present. Only one Metropolitan, that of Toledo, was personally present.

3. If anyone makes an attempt on the throne without being elected by general consent, and raised by the nobility of the Gothic people, he shall be punished with anathema, and expulsion from all communion with Catholics.

4. So, too, shall he be who, in a superstitious manner seeks to find out the death of the Prince, and during his lifetime makes plans and plots in regard to the succession.

5. So, too, he who utters execrations against the Prince.

6. The faithful servants of a Prince, if they survive him, shall not be cut down by his successor, and deprived of presents which they have received.

7. At the close of every Synod in Spain, canon 75 of Toledo in regard to the kingdom shall be read again and inculcated anew.

8. The right of pardoning those who fail in the above points we reserve for the King.

9. Honour be to God; thanks to the King.

Thereupon the bishops subscribed the minutes, and the King confirmed and published the decrees by an edict of June 30, 636.[1]

In the same year, at a Synod at Clichy near Paris (*Clippiacum*), S. Agilus was made abbot of the newly founded monastery of Rebais by King Dagobert (Mansi, t. x. p. 658); the general Synod at Paris, however, which confirmed anew the immunity of the monastery of S. Denis, and is generally assigned to the year 638, belongs, according to Mansi's reckoning (t. x. p. 569), to the year 658, but more correctly to the year 653 (see below).

.In the January of the year 638, however, by the wish of King Chintila, the sixth Synod of Toledo was celebrated in the Church of S. Leocadia by fifty-two bishops out of all the provinces of Spain and Narbonensian Gaul. At their head stood the five metropolitans, Selva or Silva of Narbonne, Julian of Braga, Eugenius of Toledo, Honoratus of Seville, (the successor of S. Isidore), and Protasius of Tarraco. They ranked, as at the earlier Spanish Synods, in the order of

[1] Mansi, t. x. p. 654; Hardouin, t. iii. p. 598; Aguirre, t. ii. p. 507; Bruns, pt. i. p. 245, and *Coleccion de Canones*, etc. t. ii. p. 318 sqq.; Gams, *l.c.* S. 49 f.

their consecration. Only one metropolitan, of Emerita, was absent.

1. In their first *Cap.* the bishops, first of all, set forth the orthodox faith in a new formula, which is like the previous one (of Toledo, 4), and uses *hominum* instead of *humanam naturam*, but is considerably more complete. It shows no trace of the Monothelite controversies having then touched Spain.

2. The litanies ordered at the previous Synod are confirmed.

3. God is thanked for this, that King Chintila had lately, by a decree, ordered that all Jews should be obliged to leave Spain, and that only Catholics should be allowed to dwell in the country. In agreement with the King and the nobility, etc., it is at the same time decreed that every future King, before ascending the throne, together with other oaths, should be required to take this, that he would not tolerate Jewish unbelief, and would uprightly maintain the present laws. If he violates this oath, let him be anathema maranatha (see Toledo, 3, sec. 287) before God, and food for eternal fire. Finally, the decrees of the fourth Synod of Toledo in regard to the Jews are confirmed.

4. A Simonist may not receive consecration; and if he has already received it, he is to be excommunicated, and, together with his consecrator, punished with confiscation of his property.

5. If a cleric receives any Church property for his use from the bishop, he must set forth a petitionary document (viz. that he has received, at his petition, *preces*, something for usufruct), so that a prescriptive right may not grow up, to the damage of the Church, by long possession. Moreover, he must not neglect the Church property which he has received.

6. Men, maidens, widows, who have once put on the religious habit, or have entered a monastery, and so, too, a man who has entered the choir of a church,[1] may not return to the world.

7. Since it often happens that those who have assumed the religious habit, and entered the state of penitents, return

[1] There was then, as afterwards, a special *chorus conversorum* in the churches. Cf. Du Cange, *s.v.*

to the old life, wear secular clothing, and dress their hair, such persons shall be confined in convents by the bishop against their will. If they refuse, they are to be excommunicated; and so, too, the bishop, if he allows himself to be bribed by them.

8. As Pope Leo before, so we now permit that a young married man, who becomes a penitent when in danger of death, after his recovery, if he is not continent, may return to his wife until he comes to the age at which he can preserve continence. He shall thereby be preserved from the danger of sinning with others, and committing adultery. The same holds of a young wife. We add, however, the limitation: If that one of the pair who did not take penance upon him dies before they have both come back to continence [1] (by a more advanced age), the surviving partner may not marry again. If, however, the one who has *not* received the benediction of penance be the survivor, he may marry again, if he cannot contain. Moreover, the bishop shall decide, in every particular case, with regard to age, whether the person is to be dispensed from continence or to hold it fast.

9. At every entrance upon office of a new bishop, the emancipated of the Church and their posterity must exhibit the certificate of their emancipation to the new bishop. He must confirm it anew, and they must themselves declare that they will render the *obsequium* belonging to the Church.

10. The children of these freedmen must go to the church which is their patron for instruction, and nowhere else.

11. No one who is accused may be condemned without inquiry. If a person not having the right of complaint accuses, no regard is to be paid to his accusation, unless it has to do with high treason.

12. Every traitor to his country is to be excommunicated and punished with long penance. If he acknowledges his wrong-doing before the excommunication has been decreed, he may, upon the intercession of the bishops, obtain favour from the King.

[1] So I explain the difficult passage=*antequam ex consensu ad continentiam eorum fuerit regressus.* Remi Ceillier and other expositors have omitted the passage.

13. The high functionaries of the palace shall receive respect.

14. The faithful servants of a King may not be injured by his successor, in dignity or property, according to canon 6 of the fifth Council of Toledo. The King may pardon unfaithful servants. If their unfaithfulness, however, comes out after his death, they must be punished.

15. What the King or others have presented to the Church must remain to it.

16. The children of a King who has died must not be injured. Their property and their peace must be secured. Praise of King Chintila.

17. During the lifetime of the King, no one may form plans for the future occupation of the throne. After the death of the King, no tonsured person, no offspring of a slave, no stranger, but only a Goth, may be elected King.

18. All offences against the King are threatened with eternal damnation, and the earlier decrees referring to this (canon 75 of the fourth Synod of Toledo) renewed.

19. Honour be to God; thanks to the King.[1]

That the Synod at Chalons on the Saone (Cabilonensis) was held by command of Chlodwig II. (*i.e.* his guardian Aega, for Chlodwig was only a few years old), on the 25th of October, in the Church of S. Vincent there, we see from the *Præfatio* of the minutes and from the synodal letter; but the year is uncertain, and the learned waver between 644 and 656. Mansi, in particular, endeavoured (t. x. p. 1198) to show that the date 644 is the correct one. The earlier collectors of Councils give the preference to the year 650. There were present thirty-eight bishops and six representatives of bishops, all from the kingdom of Chlodwig, *i.e.* from Neustria and Burgundy. They belonged to the five ecclesiastical provinces of Lyons, Vienne, Rouen, Sens, and Bourges; and Candericus of Lyons presided. They ordained:—

1. The faith of Nicæa, etc., and of Chalcedon shall be held fast by all.

[1] Mansi, t. x. p. 659; Hardouin, t. iii. p. 602; Aguirre, t. ii. p. 512; Bruns, pt. i. p. 249; *Colección de Canones*, etc. t. ii. p. 324 sqq.; Gams, *l.c.* S. 121 ff.

2. The old canons remain in force.

3. No cleric may have intercourse with a strange woman.

4. Two bishops may not be in one city.

5. Neither the property of rural parishes, nor the parishes themselves, may be given over to people of the world.

6. No one may take any Church property in possession before the decision of the rightful tribunal (*audientia = judicium*; cf. Du Cange).

7. If a priest or abbot has died, neither the bishop, nor the archdeacon, nor anyone else may take away anything from the goods of the parish, or the xenodochion, or the monastery.

8. Penance is wholesome, and the bishops shall impose it on penitents after confession is made.

9. No slave shall be sold outside the kingdom of Chlodwig.

10. If the bishop of a city has died, no one may elect a new one save the comprovincials, the clergy, and the laity.

11. The secular judges must in no way presume in rural parishes and convents without the invitation of the abbot or the archpresbyter.

12. Two abbots may not be in one city.

14. No bishop may retain by himself the cleric of another, nor ordain one from a strange diocese, without the assent of his bishop.

14. Some bishops complain that several magnates withdraw the oratories which are in their villas from episcopal supervision, and try to hinder the archdeacon from punishing, when necessary, the clerics in the oratories. These oratories are under the bishop as well in regard to the placing of the clergy as in regard to the property and the ordering of divine service.

15. The abbots, monks, and stewards of convents may not go to the King without permission of the bishop.

16. Prohibition of simony.

17. No layman may begin a quarrel, take weapons, and wound or kill anyone in the church or within the churchyard.

18. Labour in the fields, ploughing, sowing, reaping, etc., are forbidden on Sunday.

19. It is not permitted to sing indecent songs at the dedication of churches, the feasts of martyrs, in the church or the porch, nor yet in the churchyards (*atrium*).

20. Agapius and Bobo, two bishops of Dinia (Digne), are deposed, because they have both violated the canons in many ways.

Besides these twenty canons we have a letter of the Synod to Bishop Theodosius of Arles. It is there said that Theodosius has not chosen to appear at the Synod, because rumour accused him of an indecent life, and of manifold violation of the canons. There were even writings shown from his own hand, from which it appeared that he had made a penitential confession. He will himself know that one who has made such a confession, can, by the canons, no longer be bishop. Therefore he must refrain from the exercise of his episcopal office, and the administration of the property of the Church, until the next Synod.[1]

Several other canons attributed to the Synod of Chalons in the *Corpus jur. can.* and elsewhere, belong to other Synods.

The excellent King Chintila of Spain died in 640, and out of gratitude they elected his son Tulga as his successor, in spite of his youth. As, however, he was too weak to exercise authority, many nobles of the country offered the crown to one of their number, Chindaswinth, and he possessed himself of the power, A.D. 642, and had the hair of the youthful Tulga shorn, as a sign that he had entered the monastic state. Another part of the nation was against Chindaswinth, united with those outside the country, and procured help from Gaul and Africa, so that a civil war arose, which only after some years ended in favour of Chindaswinth. Immediately afterwards, in order to provide for the needs of Church and State, he convoked a national Synod, the seventh of Toledo, on the 18th of October 646. There were present twenty-eight bishops (among them the four metropolitans, Orontius of Emerita, Antony of Seville, Eugene of Toledo, Protasius of Tarragona) and eleven representatives of bishops. In the ordinary Collections of Councils a rather lengthy

[1] Mansi, t. x. p. 1190; Hardouin, t. iii. p. 948; Sirmond, t. i. p. 489; Bruns, pt. ii. p. 265.

preface is prefixed to the minutes; as, however, this, in its contents, is plainly connected with the piece designated as cap. 1, the two new Collections of Spanish Councils, which appeared in 1808 and 1809, have probably united the two as cap. 1.

1. The contents of this are: Because not only many laymen, but also many clerics, took part in the recent civil wars, and betook themselves to foreign lands in order to injure the Gothic kingdom and King, it is ordained that such traitors to their country and their assistants of the clerical order be deposed and punished with lifelong penance. Only at death can they, if penitent, partake of the communion. The King may not prevent this excommunication, and, if a bishop at his command gives the communion to one so excommunicated (before his death), he shall himself be excommunicated to the end of his life. Moreover, in the case of the confiscation of goods on account of treason against the country, the King, in accordance with the old law, may only modify the punishment to this extent, that he may give back the twentieth part of his former property to the person in question. (So far the Synod had the opponents of Chindaswinth in view: in the following passage it threatens those clerics who helped him against Tulga.) If, however, a cleric, during the lifetime of the King, takes part for another who aspires to the throne, unmindful of his state, and this pretender conquers, such a cleric, be he bishop or anything else, shall be excommunicated until his death. If the King prevents the excommunication of his adherent, it shall take effect immediately after the King's death. (The third section of cap. 1, which now begins, relates to the laity and to the possibility of pardon.) The layman, also, who goes abroad, in order there to act against his country and King, shall be punished with loss of goods and excommunication until his death, unless he adopts the means pointed out by us before (Toledo 6, c. 12), and obtains communion through the intercession of the bishops with the King. In the case of other injuries or conspiracies against the King, he can himself decide whether the offender shall again be admitted to communion or not (Toledo 5, c. 8); but in regard to disloyal clerics and laymen who have gone

into foreign lands, we adjure the King not to remove the sentence of excommunication without the intercession of the bishops (Toledo 6, c. 12).[1]

2. If the priest is taken ill during the Mass, so that he cannot finish it, then the bishop or another priest may continue it. Similarly in the case of other clerics; but he who continues the service must be fasting.

3. All clerics must be present at the burial of their bishop, and, at the right time invite another bishop to the obsequies.

4. In order to meet the covetousness with which the bishops of Galicia burden the rural churches which are subject to them, no bishop of this province may in future demand more than two solidi yearly from each church, in accordance with the decrees of Braga (sec. 285); the convent churches are, however, quite free from this tax. Also at the visitations of his diocese the bishop must not fall heavily upon anyone (with more than fifty persons and horses), and may not stay more than one day at a church.

5. Only quite upright monks may, apart from the convent, live in cells as *reclusi*, and so become the teachers of others (in high asceticism). Those unworthy, on the contrary, must be brought back to the convent, as well *reclusi* as *vagi*. In future no one shall be admitted to this highest kind of asceticism (as *reclusus*) unless he has first lived in a convent, and obtained knowledge and practice of the monastic life. The *vagi* must cease altogether.

6. Out of respect for the King and his residence, as well as for the comfort of the metropolitan of Toledo, the neighbouring bishops, when the King invites them, shall spend one month annually in this city; but not at the time of the harvest or vintage.

After the minutes of the Synod just mentioned, Mansi (*l.c.* p. 775) places several fragments of another Council of Toledo, the time of which is unknown, from which, however, something has been taken into the decretals of Gregory IX. in

[1] I believe that we have here unfolded the full sense of this great and difficult *Capitulum*. The other expositors, as Remi Ceillier, Florez, Ferreras, etc., have taken only one or another part of the whole.

the *Corpus jur. can.* c. 2, x. *de officio archidiaconi* (i. 23); c. 3, x. *de officio archipresbyteri* (i. 24); c. 1, x. *de officio sacristæ* (i. 26); and c. 2, x. *de officio custodis* (i. 27). To the same Council, Mansi thinks, belong also two confessions of faith.

Very uncertain is the time of the holding of a Synod at Rouen, of which we still possess sixteen canons. The old superscription calls it a (Frankish) general Synod under King Hlodoveus. By this some have understood King Lewis the Stammerer, who died A.D. 879, and have placed the Synod in the second half of the ninth century, especially as they believed that the contents of the canons would agree only with later times, as, *e.g.*, Pommeraye, in his *Concilia Rothomag.* 1677. On the other side, Bessin, in the new Collection of the Councils of Rouen (*Concilia provinciæ Rothomag.* 1717) has assigned this Synod to the reign of the Merovingian Chlodwig II. (son of Dagobert the Great), and so to the middle of the seventh century (650); and Mansi has followed him in this. Bessin tried to show that the contents of the canons formed no difficulty in the way of this assumption. To me, however, it seems that canons 9, 12, and 16 rather refer to a later time, and particularly to the circulating episcopal tribunals of the Carolingian time. The canons run:—

1. After the offertory the oblations shall be incensed as a memorial of the death of the Lord.

2. The impropriety must cease of some priests, who, at the festival of the Mass, give the holy mysteries to some women and laymen, but without themselves partaking. Moreover, the Eucharist is not to be given to the laity into their hand, but into the mouth, with the words: "Corpus Domini et sanguis prosit tibi ad remissionem peccatorum et ad vitam æternam."

3. If anyone does not give tithes of all fruits, of oxen, sheep, goats, after being thrice admonished, he is to be anathematised.

4. Shepherds and huntsmen must not use adjurations, etc.

5. Heretics who are baptized into the Holy Trinity, are not to be baptized again at their conversion; but after they have made their confession, the laying on of hands (confirmation) will be imparted to them. If they are still children,

their sponsors will answer for them at the confession of faith, as in baptism, and then they will also receive the *manus impositio.*

6. If anyone is excommunicated by his own bishop, he may not be received by another.

7. Prohibition of simony.

8. Unknown (*vagabundi*) bishops and priests may not be admitted to functions without *probatio synodalis.*

9. Widows generally may not receive the veil, and virgins only from the bishop, and not from a priest.[1]

10. The bishop shall diligently visit convents for men and for women. If a nun violates her chastity, she shall be severely punished and imprisoned by herself. No cleric or layman may enter a convent for nuns, and the priest only for the Mass.

11. The bishop may not desert his cathedral and often frequent another church of his diocese.

12. If anyone strikes another, so that he bleeds, he must, if he is a layman, do penance for twenty days; if an inferior cleric, thirty days; a deacon, six months; a priest, a whole year; and a bishop, two years and a half.

13. If anyone practises heathenish usages on the 1st of January, let him be anathema.

14. Shepherds and farm labourers shall come to Mass at least on Sundays and feast days.

15. On Sundays and feast days all the faithful shall come to Vespers, to Nocturns, and to Mass. The deans must be watchful as to this.

16. If a bishop travels over his diocese, the archdeacon or archpresbyter must precede him by two days, and require all the people in the parishes concerned to appear at the Synod. Whoever does not appear is to be excommunicated. The archdeacon or presbyter must also settle the lighter questions before the arrival of the bishop.[2]

[1] The Romans allowed only virgins and not widows to wear the veil. Cf. Gelasii Papæ *Epist.* v. cc. 12 and 13, in Hardouin, t. ii. p. 901. The prohibition of the veil for widows does not seem to have generally prevailed in France and Spain earlier than the ninth century. Cf. the Synod at Tours, A.D. 813. This prohibition was enforced at the Synod of Paris, A.D. 829.

[2] Mansi, t. x. p. 1199; Hardouin, t. vi. pt. i. p. 206; Bruns, pt. ii. p. 268.

In Spain, King Chindaswinth had, by the election of the nobles, received his son Receswinth at first as co-regent, and since 652 as successor; and the new King now convoked the bishops and magnates of the kingdom, on the 16th of December 653, to the eighth Synod of Toledo. The King was himself present, and besides him were the four metropolitans, Orontius of Emerita, Antony of Seville, S. Eugene of Toledo (his predecessor, Eugene I., had died in A.D. 647), here named *regia urbs*, and Potamius of Braga; further, forty-eight other bishops and many abbots, etc., and representatives of bishops; also sixteen *Comites* and *Ducs*.[1] The King opened the Synod with an address, and presented to them a tome, in which he first declared his orthodoxy, then expressed a wish for a revision of the severe laws against the betrayers of country and King, and exhorted all present to draw up the necessary decrees with his assent, called upon the magnates of the kingdom to complete them, and, on his side, promised the confirmation of them, and, finally, asked the bishops for instruction as to what should be done in regard to the Jews.

The Synod following the order of the points in the King's tome, on their side also declared :—

1. First, the true faith in the form of the Niceno-Constantinopolitan Creed (with *ex Patre et Filio procedentem*).

2. The subject of the second disputation (transaction, perhaps session) was the question of the offenders against country and King. All the people had sworn that everyone of those, without exception, should be punished. The fulfilling of this oath now seemed too harsh, and would have made many men unhappy. The Synod therefore endeavoured, at the wish of the King, to find a reconciliation of their oath and gentleness, and found this by adducing many passages of Scripture and the Fathers (also from Isidore, the *norissimum decus ecclesiæ, in seculorum fine doctissimus*), in this, that the violation of that oath was a smaller injustice than the cruel treatment of so many brethren.

3. The Synod next, in their most bombastic style, threatened simonists with anathema and imprisonment in

[1] In the old superscription of the minutes it is said of this Council: *Est provinciale.* This is incorrect.

a convent; in the fourth *Congressus* enforced the duties of bishops; in the fifth and sixth, on deacons and subdeacons the duty of chastity; in the seventh, declared that even those who were ordained by compulsion, or in order to escape a danger, should not be allowed to marry, or to return to their old manner of life; in the eighth, declaimed against the ignorance of the clergy (requiring them to learn the psalter by heart); in the ninth, against the violation of fasts; in the tenth, ordained that the election of a new King should take place in the chief city, or else where the previous King died (by the nobles), with assent of the bishops and the high officials of the palace; but that the King should defend the catholic faith against Jews and heretics, and should ascend the throne only when he had sworn (further prescriptions for the Kings).

11. No one may violate the general ordinances of Synods, under pain of excommunication.

12. In regard to the Jews, the decrees of the (fourth) Synod of Toledo under Sisenand shall be confirmed.

13. Finally, the Synod confirmed two royal decrees, which are appended to their minutes, and treat of that bequeathed by the former and by every future King. As third appendix is finally added a memorial of the baptized Jews of A.D. 654, in which they promise true adhesion to the Christian faith.[1]

So early as in the following year, 655, the ninth Synod of Toledo took place in the Church of S. Mary there. It began on the 2nd of November, and lasted, as is mentioned at the close of the minutes, until the *IV. or V. Kal. Decembr.*, and was only a provincial Council under the presidency of Archbishop Eugene II. of Toledo. It was decreed to subjoin the later synodal ordinances to the old collections of canons, and to draw up seventeen more, specially for the reformation of bishops:—

1. No one may encroach upon the property of another church, in order to appropriate it to himself or his church. The heirs of the founder have the right to watch over it, and

[1] Mansi, t. x. p. 1206 sqq.; Hardouin, t. iii. p. 952 sqq.; Aguirre, t. ii. p. 538 sqq.; Bruns, pt. i. p. 265 sqq.; *Colección de Canones*, t. ii. p. 361 sqq.; Florez, *l.c.* p. 185; Gams, *l.c.* S. 126 ff.

to present to the bishop anyone who does this. If the bishop does it, the metropolitan must be informed; if the metropolitan, the King must be told.

2. The builders of churches have the right to care for them, and to present (*offerre*) to the bishop suitable rectors for these churches. If they find no one suitable, then the bishop, with their assent, may name such. If, however, the bishop makes the appointment with evasion of the founders, this is invalid. At the same time it is complained that, through the fault of the bishops, many rural and convent churches are falling to ruins.

3. As often as the bishop or a deacon (as steward) forgives anyone a loan from the property of the Church, the reason for this must be accurately stated in the document, so that it may be seen that no fraud has crept in. If the document has not this form, it is invalid.

4. If bishops or other administrators of Church property, at the time of their entrance upon office, possessed but little private property (the two new Spanish collections have *parum* instead of *carum*), all that they buy during their administration shall be assigned to their churches. If, however, they have an inventory (*compendium*, see Du Cange, *s.v.*) of their property, then all that they have earned after their ordination shall be distributed between their heirs and the Church, in the proportion of their private property to their income from the Church. If a cleric has received anything as a present from anyone, he can do with that as he will. If, however, at his death he has made no disposition of it, it falls to his church. Cf. Thomassin, *De nova et veteri ecclesiæ disciplina*, etc., pt. iii. lib. ii. c. 42, n. 6 sqq.

5. If the bishop wishes to build a convent in his diocese, he may spend for that purpose the fiftieth part of the property of the Church; if he wishes to found another church, the hundredth part. But he may do only the one or the other.

6. The bishop, by ancient right, may claim the third part of the income of every church, and he can spend this portion at his pleasure on one or another church (see sec. 200, Toledo 4; and sec. 229, Tarragona, c. 8; and Thomassin, *l.c.* c. 15, n. 8, 9. This third part, however, the bishop might expend,

not for himself but for the repairing of churches. For himself the bishop could require from every church only two solidi).

7. The heirs of a departed bishop or of another cleric may not arbitrarily take possession of what he has left.

8. If a cleric has made unlawful disposition of a part of the property of the Church, the thirty years' time of prescription begins, not with the day of that disposition, but only with his death. (See c. 34 of Toledo 4, in sec. 290; and c. 17 of Chalcedon, in sec. 200, vol. iii.)

9. The bishop who holds the obsequies of a brother in office, and takes the inventory of what he has left, may, if the church is rich, claim a pound of gold; if it is poor, half a pound. The metropolitan has nothing to claim.

10. Since the incontinence of the clergy continues, we ordain: If a cleric, from a bishop down to a subdeacon, begets children in abominable union with a maid or a free woman, the parents are to be punished according to the canons; but the children cannot inherit from the parents, and are forever slaves of the Church at which the father serves.

11. If slaves of the Church are called into the clerical office, they must obtain emancipation from the bishop.

12. If a bishop emancipates the slaves of the Church, the years are to be reckoned from his death, not from the day of the drawing up of the document.

13. The emancipated, who were formerly slaves of the Church, and their posterity, may not marry with the freeborn.

14. If this is done, their offspring remain bound to render *obsequium* towards the Church.

15. The freedmen of a Church and their posterity shall faithfully and uprightly serve the Church to which they owe their freedom.

16. The freedmen of the Church and their posterity may not alienate to a stranger what they have from the Church. If they wish to sell it, they must offer it to the bishop. They may, however, sell it or present it to their children and relations, who belong as servants or clients to the same Church.

17. Baptized Jews shall be present at Christian feast days as well as Jewish at the episcopal divine service, so that

the bishop may see their fidelity. Whoever does not this shall be punished, according to his age, with blows or fasting.

18. At the close, the date for the next Easter was announced, and notice given of a new Synod for the 1st of November of the following year.[1]

This assembled, however, about a month later, on December 1, 656, at Toledo; at least the minutes are dated from this day. It was a general Synod, in which the three metropolitans took part: Eugene II. of Toledo, Fugitivus of Seville, and Fructuosus of Braga. From the provinces of Merida, Tarragona, and Narbonne, the metropolitans were not present, but other bishops appeared. Altogether they numbered twenty bishops and five deputies. They ordained:—

1. Uniformity in regard to the dates for the festivals is highly necessary If, for example, we should not hold Pentecost on the right day, then could we not be filled with the gifts of the Holy Ghost. In regard to the festivals of our Lord unity prevails in Spain, but not in regard to the Feast of Mary. This day, on which the angel brought the message to Mary, can often not be celebrated rightly on account of Lent and Easter; and therefore we transfer it, for all Spain, to the 18th of December, eight days before Christmas, and it shall be celebrated in like manner as Christmas.

2. Every cleric and monk who has violated his oath against King and country is to be deposed; only the King can pardon him.

3. No bishop may appoint his relations and favourites as presidents over churches and convents.

4. A widow who wishes to take the vow of chastity, must do so in writing, and then wear the dress unaltered which the bishop or minister of the Church has given her. She shall cover her head with a red or black cloth (*pallium*), so that she may be known, and that no one may permit to himself anything against her.

5. All women who have once worn the religious habit remain bound to the ascetic life. If they refuse, at the exhortation of the bishop, to return to it, they are to be shut

[1] Mansi, t. xi. p. 23; Hardouin, t. iii. p. 972; Aguirre, t. ii. p. 573; Gonzalez, *Coleccion de Canones*, etc. t. ii. p. 191; Gams, S. 128 sqq.; Bruns, i. 29.

up in a convent. They must also make their vow in writing, and cover their head with the pallium.

6. When parents have given the tonsure, or the religious habit, to a little child, or when children, without knowledge of their parents, have assumed the one or the other, and the parents, when they remarked it, have not immediately made an objection, these children remain bound to the *vita religiosa*. Moreover, parents may bring to the church only children under ten years. If they are older, they can, of their own accord, dedicate themselves to the religious life, whether by the will of their parents, or from their own piety.

7. It was loudly complained that clerics sell Christian slaves to Jews, and this was entirely forbidden, with the quotation of many passages from the Bible.

While the bishops were occupied with the drawing up of these canons, Archbishop Potamius of Braga addressed a document to them in which he brought an accusation against himself. The bishops held a special private session, and Potamius, invited to it, acknowledged voluntarily that he had failed through uncleanness, and therefore he had, for nine months, given up the administration of his church. It was decreed, from regard to his voluntary confession, that he should not be treated according to the rigour of the canons (special reference is made to c. 4 of the Synod of Valence, A.D. 374, sec. 90, vol. ii.), and that he should not be deprived of his dignity, but that he should be bound to continued penance. The administration of the diocese of Braga, together with the metropolitan authority, they transferred to Fructuosus, bishop of Dumio.

Finally, two testaments were laid before the Synod, that of the departed Bishop Martin of Braga, and that of Recimir, the previous bishop of Dumio. The latter had bequeathed so much to the poor, and had emancipated so many slaves, that the Church property of Dumio had thereby been encroached upon. When this complaint was raised, the Synod decreed certain limitations of the testament.[1]

[1] Mansi, t. xi. p. 31; Hardouin, t. iii. p. 977; Aguirre, t. ii. p. 579; *Collectio can. eccl. Hisp.* p. 455; *Coleccion de Canones*, etc. *l.c.* p. 405 sqq.; Florez, *l.c.* p. 195; Gams, *l.c.* S. 131 sq.

Two Frankish Synods, held at Paris and Clichy, in the fifteenth and sixteenth years of Chlodwig II., and so in the years 653 and 654, confirmed several privileges to the convent of S. Denis.[1]

Almost about the same time King Chlodwig II. (†656) is said to have assembled a Synod in a place unknown to us, and ordered the return of the relics of S. Benedict and S. Scholastica, which had been brought to France, and for which Pope Vitalian had made application.[2] Under his successor, Chlotar III., and in the third year of his reign, *i.e.* 658, the Synod of Sens confirmed its liberties to the convent *S. Petri Vivi*.[3]

Probably in the same year, 658, the Synod of Nantes was also held, with the consent of which Bishop Vivard of Reims rebuilt, in another place, the monastery of Hautvillier (*Villaris super ripam Maternæ*), which had been destroyed by barbarians. It is supposed by Pagi (*ad. ann.* 600, n. 14, 15) and Sirmond, that to this Synod belong those twenty canons which are assigned, in the Collections of Councils, to a *Concilium Namnetense* at the end of the ninth century.[4] They are to the following effect:—

1. Before the Mass the priest shall ask whether anyone is present from a strange parish, because he despises his own parish priest, and whether any one of those present has enmity against anyone. Such people must be sent away.

2. Generally, no strangers from another parish may assist at Mass, unless they are travelling.

3. A cleric may not have even his mother, sister, or aunt in the house with him, because horrible incests have happened. Moreover, no woman may serve at the altar.

4. On the conduct of the cleric at the visitation of the sick.

5. A sick man who confesses shall be absolved only under the condition that he shall do penance after being restored to health.

[1] Mansi, t. xi. p. 62 sqq.; Hardouin, t. iii. p. 985 sqq.; Le Cointe, *Annales eccl. Franc.* t. iii. p. 375. Cf. sec. 290, Synod of Clichy.

[2] Mansi, t. xi. p. 59.

[3] Mansi, t. xi. p. 118.

[4] Mansi, t. xi. p. 59; Hardouin, t. iii. p. 985; Sirmond, t. i. p. 495.

6. For burial the cleric shall demand no fees; and no one may be buried inside the church.

7. No bishop may consecrate a strange cleric.

8. No priest may have more than one church, unless he has, at each of them, several priests under him, who hold the *officium nocturnum* and *diurnum*, and say Mass daily.

9. On all Sunday and feast days, the priest shall impart eulogies (blessings) to the non-communicating, and first dedicate these with the following prayer: "Domine Sancte, Pater omnipotens, æterne Deus, benedicere digneris hunc panem tua sancta et spirituali benedictione, ut sit omnibus salus mentis et corporis, atque contra omnes morbos et universas inimicorum insidias tutamentum."

10. Four parts are to be made of the income of every church: for the fabric, for the poor, for the priest and his clerics, for the bishop.

11. Trial of those who wish to be ordained.

12. If a spouse commits adultery, the other spouse may separate from him, but may not marry again. The guilty one is to be punished with seven years' penance. If the innocent one will continue matrimonial union with the guilty, both must do penance for seven years.

13. Fornication of the unmarried is punished with three years' penance.

14. If an unmarried person commits adultery with a married one, the former is to be punished with five, the latter with seven years of penance.

15. Prescriptions for the fraternities.

16. If a priest dies, his neighbour must not endeavour to get his church through favour of the secular ruler.

17. If anyone has been intentionally guilty of murder, he must be excluded five years *a communione orationum*, and fourteen years more from the Eucharist.

18. If anyone, without intention, by accident has given a deathblow, he must do penance for forty days on bread and water.

19. Virgins or widows dedicated to God may not appear in public affairs, except at the command of the King or bishop.

20. The bishops must endeavour to root out the remains of heathenism.[1]

Two somewhat more recent French [Frankish] Synods we have for the first time become acquainted with through Professor Fr. Maassen, who discovered the minutes of them in a codex of the City Library at Albi (sec. ix.), and published it (Graz 1867) under the title, "Two Synods under King Childerich II." As Childerich the Second was made King of Austrasia in 660, and in 670 King also of Neustria and Burgundy, and in 673 was murdered, these two Synods must fall between 660 and 673; and it cannot be ascertained whether Childerich, at the time of this Synod, was already sole regent, or only King of Austrasia. The first of these Synods, entitled *Burdigalensis*, was held at Bordeaux in *castro Modogarnomo*, in the Church of S. Peter, at the command of King Chilperich, and in the presence of Duke Lupo, his lieutenant. There were present, under the presidency of Archbishop Adus of Bourges, eighteen bishops, from the three ecclesiastical provinces of Bourges, Bordeaux, and Elusa (Eauze), with several secular magnates from Aquitaine. The latter are named (Roman) *provinciales*, as the great mass of the inhabitants of Aquitaine were of old Roman origin, and not West Gothic or Frankish. In the Preface it is said that the Synod had been held *pro statu ecclesiæ vel* (= *et*) *stabilitate regni*. The latter point was quite particularly accentuated in canon 4 of the Synod, and this therefore might have been a chief aim of the Synod. It was intended also to put an end to gross abuses among the clergy, of whom many, as the Preface says, despised their bishops, wore secular clothing, and in different points were worse than the laity. The four canons of the Synod run:—

1. The clergy must wear the habit appointed for them (*abitum habitare*, more correctly *habituare*, see Du Cange, *s.v.*), and must not carry lances and other weapons. Whoever acts otherwise, is to be punished according to the canons.

2. No cleric may, without the consent of his bishop, have a secular patron (*mundeburdum*).

3. With reference to the *mulieres subintroductæ*, every

[1] Hardouin, t. vi. pt. i. p. 458; Mansi, t. xviii. p. 166 sqq.

cleric (of the higher degrees) is to be punished, if he has such with him, except such women as are allowed by the canons (*e.g.* c. 10 of Tours, 567, sec. 285; and c. 1 of Macon, 581, sec. 286).

4. The bishops must in every respect show a good example, love the clergy, be a model in dress, in walk, in speech, and in obedience, and putting away the secular, must hold fast religion, *ut et stabilitas regni per eos debeat stare, et salus populi, sicut decet, per eos debeat Domino auxiliante durare.*

The second Frankish Synod, whose Acts Professor Fr. Maassen edited, is called *Latunensis*, and was celebrated at Latona (S. Jean de Losne, at the effluence of the Ouche into the Saône), in the ecclesiastical province of Lyons, close to the diocese of Chalons on the Saône. The subscriptions of the bishops are no longer extant, and even the number of those present is unknown; but the assembly seems to have been a Frankish general Council. King Childerich was himself present at the Synod, and it must fall in the time when Childerich had come to reign also over Neustria and Burgundy, since it was held in Burgundy. Accordingly we must place it between 670 and 673. With this view the following harmonises. In their 11th canon our Synod settles that a Council should again be held in the September of the fourteenth regnal year of Childerich. The fourteenth year of Childerich, however, was the year of his death, and as, according to canon 20 of Macon, A.D. 585 (sec. 286), a Synod was ordered to be celebrated every three years in Burgundy, we may certainly assign ours to the year 670 or 671. In the Preface to the minutes, the bishops declare their resolve to hold fast by the ordinances of the five Œcumenical Councils (the sixth had not yet taken place), and added to this their own twenty-two short canons:—

1. Bishops must not encumber themselves with secular affairs, but live according to the canons.

2. No bishop or cleric may bear weapons.

3. A bishop may not himself conduct a trial, but only through his advocate.

4. No cleric may have a woman in his house except those who are allowed in the old canons.

5. Only he may become a bishop who is of the legal age, is (regularly) elected, and has for himself the *consensus populi*.

6. Two bishops may not be in one city.

7. No cleric may receive another cleric without a letter of the bishop or abbot. Monks may not ramble about in the country without letters.

8. Bishops must be in their cities at Easter, Christmas, and Pentecost (*Quinquagesima*), unless a command of the King prevents them.

9. Laymen may not receive the office of an archpresbyter (dean).

10. Bishops who do not live *spiritualiter*, must reform within the prescribed time, or be deposed.

11. The *synodalis concilius* shall be celebrated in the middle of September, in the fourteenth regnal year of Childerich, at the place which the King appoints.

12. Widows who change their raiment and wish to persevere in the state of widowhood, stand under the protection of the King.

13. Those widows (dedicated to God) who live piously according to the judgment of the bishops, may remain in their houses. If, however, they are negligent in regard to chastity, they shall be shut up in a convent.

14. The privileges of convents remain in force.

15. Bishops, priests, and deacons may not go hunting like people of the world.

16. No bishop may select a successor.

17. Bishops or abbots who are either condemned for neglect, or have voluntarily deserted their churches, may no longer return to them.

18. The bishop must preach on all Sundays and feast days.

19. Monks who travel about without letters testimonial from the abbot, may not be received.

20. Anyone acting in opposition to this, for the future, shall be suspended from communion for a whole year.

21. Bishops who do not come to the Synod are to be punished according to the canons.

22. If a bishop himself designates his successor, he himself loses his grade.

On the Synod in the convent of Streaneshalch (= *Sinus Phari*, thence *Synodus Pharensis*) near Whitby, in the Anglo-Saxon kingdom of Northumbria, A.D. 664, we receive information from the Venerable Bede. The Roman missionaries and their disciples had diffused the Roman reckoning for Easter over the whole Heptarchy, and so also in Northumbria. But into the latter country came also the old British or Scottish use from the island of Hy [Iona] through S. Aidan, who re-established the Church in Northumbria, after it had gone down. As long as S. Aidan lived, the two ways of keeping Easter remained peacefully side by side in Northumbria; but after his death, Finan and Colman became zealous for the Scottish fashion, and in order to remove this difference, our Synod was now convoked by King Oswy of Northumbria. Distinguished ecclesiastical and secular persons of both parties assisted, among them the famous Abbess Hilda of Streaneshalch (daughter of a Northumbrian King), who herself was attached to the old British way of Easter. So was King Oswy, whilst his consort Eanfeld and his son Alchfrid followed the Roman manner. Bishop Colman of Lindisfarne, already named, spoke for the British practice, Abbot Wilfrid of Ripon for the Roman; and as the latter finally laid chief stress on this, that Christ had given the highest authority to Peter, King Oswy declared: As the apostle of the Scottish Church, S. Columba, cannot be compared with S. Peter, so it is reasonable that we should follow Peter rather than him. All Northumbria now adopted the Roman practice.—The second point of controversy was the fashion of the tonsure; and here, too, the Roman practice prevailed.—The Scots, however, who had come to the Synod, went home unconverted.[1]

On the 6th of November 666, Proficius, metropolitan of the Lusitanian province, in his cathedral Church of Jerusalem at Emerita (*Merida*), celebrated a provincial Synod with eleven suffragans. Like the other Spanish Synods since the

[1] Beda, *Hist. Angl.* lib. iii. c. 28; printed in Mansi, t. xi. p. 67; Hardouin, t. iii. p. 994. Cf. Montalembert, *l.c.* vol. iv.; Schrödl, *Das erste Jahrhundert der englishen Kirche*, S. 117 ff.

conversion of the nation, this also placed—1. At the head of its decrees the confession of the orthodox faith in the form of the Niceno-Constantinopolitan Creed received at the third Synod of Toledo, A.D. 589 (sec. 287), with the addition *et (ex) Filio procedentem*, and an anathema against all heretics. The further *Capitula* treat of the subjects of worship and discipline.

2. In the Lusitanian province, as elsewhere, in the evening when the light is kindled on feast days, vespers shall be sung before the *sonus* (*i.e.* before the psalm, *Venite exultemus*, with which matins begin, and which, on account of the high tone which was used with it, was called *sonus*; cf. Du Cange, *s.v.*).

3. Whilst King Receswinth is at war, the bishops shall daily offer the sacrifice for him and his army.

4. All bishops must, at their ordination, promise to live chastely, moderately, and uprightly.

5. If a provincial Synod is announced by the will of the metropolitan and at the command of the King, all the bishops of the province must appear. Whoever cannot possibly appear in person shall send the archpresbyter, or, if this cannot be, another presbyter, but not a deacon.

6. If a metropolitan requires a comprovincial bishop to celebrate Christmas or Easter with him, he must appear.

7. If a bishop does not appear at a provincial Synod, he will be shut out from communion until the next Council, and must remain as a penitent during that time, at the place appointed by the metropolitan and the bishops present at the Synod. His house and his possessions are, in the meantime, to be administered by the metropolitan.

8. After King Receswinth, acting on the proposal of the departed Archbishop Orontius of Emerita, has restored the Lusitanian province in accordance with the old canons,[1] the strife between Bishop Selva of Egitania and Justus of

[1] Four bishoprics, Coimbra, Lamego, Viseo, and Egitania, which were in Galicia, are said to have then been given back to the Lusitanian province. When later, in the Middle Ages, Compostella became a metropolis and inherited the rights of Emerita, Archbishop Peter of Compostella made a claim upon those four bishoprics, and fell into a controversy on the subject with the archbishop of Braga. He appealed also to the Synod of Emerita. The archbishop of

Salamanca on the boundaries of their dioceses, shall now be settled by a commission (in accordance with the ordinance of Seville, A.D. 619, c. 2, sec. 289).

9. Nothing may be demanded for chrism or for baptism, on penalty of excommunication for three months; but a voluntary gift may be accepted.

10. Every bishop shall have in his cathedral an archpresbyter, archdeacon, and primiclerus.[1]

11. The priests, abbots, and deacons must show respect to the bishop, receive him worthily at his visitation, and prepare what is necessary for him; nor must they undertake any secular business or offices without his permission.

12. The bishop may at his pleasure remove the priests and deacons of rural parishes to the cathedral. Besides that which the bishop gives them, the incomes of their previous office remain to them, after deducting the cost of a substitute.

13. The bishop shall specially reward the able clergy.

14. That which is offered in money in a cathedral church on feast days shall be divided into three parts; and one part shall belong to the bishop, a second to the priests and deacons, and the third to the remaining clerics. Similarly the clergy in the rural churches shall share.

15. The bishops henceforth may not have the slaves of the Church mutilated for an offence, but the royal judge shall inquire into the offence, and the bishop must then not impose the severest punishment on the guilty. It has also frequently happened that priests who have fallen ill, accuse the slaves of the Church of having brought this evil upon them, and for this reason torture them. This may no longer be done. On the contrary, the accusation of such an offence (*maleficium*) must be inquired into by the judge at the request of the bishop, and if the judge discovers a fault, it shall be punished by the bishop.

Braga, on the contrary, depreciated the importance of the Synod, and found fault, among other things, and justly, with its Latinity. In the principal matter the archbishop of Compostella prevailed, by the decision of Pope Innocent III. Cf. the letter of the latter to Peter of Compostella, in Mansi, t. xi. p. 90 sqq.

[1] The primiclerus, also primicerius, is the superintendent of the inferior clergy, the subdeacons included, as the archdeacon is the first among the deacons. Cf. Thomassin, *De nova et veteri* etc. pt. i. lib. ii. c. 103.

16. By the old canons it is settled that the bishop is to receive from the rural churches a third of their income.[1] This rule may not be trangressed by any bishop of the Lusitanian province; nor may he take this third part from every church, but must spend it for the repairs of some. All priests in the rural Churches who have church property (*virtutem*, see Du Cange) in possession, must give a promise (*placitum*, see Du Cange) to the bishop to have their churches properly repaired. If they do not so, the bishop must compel them. If the churches have no property, the bishop must provide for their repair.

17. No one may revile a departed bishop.

18. The priests in the rural churches shall, in proportion to the amount of Church property intrusted to them, select fit men from the service of the Church for clerics and for their assistants.

19. If several poor Churches have only one priest among them, he shall hold Mass on Sunday in each of these.

20. If the slaves of Churches were freed under the observance of the canons hereto referring, they are to remain free; but if they are illegally made free, then they and their posterity shall become slaves. But even those who are set free in a regular manner remain slaves of the Church, etc.

21. If bishops have presented to those belonging to them anything of Church property, but, on the other hand, have left at least three times as much to the Church from their property, those presents remain in force; so, too, if they have given anything for services which anyone has rendered to the Church.

22. In some of the ordinances drawn up there is added a *cavendi modus, i.e.* the measure of the punishment to be feared on transgression. Other points which are not connected with special means of coercion must be observed with punishment of excommunication.

[1] The addition, *cui sua plenissime sufficere possunt*, is obscure. Loaisa supposed that we ought to read *non possunt, i.e.* that the bishop who has not sufficient income may take a third part from the rural churches. This would agree with the ordinance of Carpentras (sec. 239). Cf. *Corp. jur. can.* 2 and 3, C. x. q. 3; also Toledo 9, c. 6, sec. 290; and below, Toledo 16, c. 5.

23. Honour be to God; thanks to the King.[1]

A Synod at Ereta, A.D. 667, under Paul the metropolitan of that place, pronounced deposition upon Bishop John of Lappa or Lampa, at Ereta, in an uncanonical manner. He appealed to the Pope, was imprisoned for this, escaped to Rome, and was so fortunate as to be found innocent by a Roman Synod under Pope Vitalian.[2]

About the same time, perhaps somewhat earlier, Archbishop Numerian of Trier, with some other bishops and abbots, granted, perhaps at a Synod at Trier, certain privileges to the convent of *Vallis Gallilææ* (S. Dieu-donné) in Lothringen (Lorraine), founded by S. Deodatus, bishop of Nevers.[3]

In the old collections there is a number of canons, under the title of *Augustodunenses*, which must have been given by S. Leodegar of Autun at a Synod at Autun about the year 670. In his remarks on Pagi (*ad ann.* 633, n. 5), Mansi tried to show that this supposed Synod of Autun is identical with that at *Christiacus* or *Marlacus*, which took place in the year 677. Subsequently, however, he reformed his hypothesis, and distinguished the two Synods, that of Autun about 670, and that of Marly near Paris, or Morlay in the diocese of Toul, in 677. The latter deposed the irregularly-appointed Bishop Chranilin of Embrun, and the former issued a number of ordinances on the discipline in convents.[4]

We gain firmer ground again with the Anglo-Saxon national Synod of Hereford, held by the celebrated Archbishop Theodore of Canterbury, on the 24th of September 673. The older canons were all confirmed, and respect for them promised, besides ten separate *Capitula* which Theodore regarded as peculiarly pressing, and which were read by him and confirmed by all present, namely:—

[1] Mansi, t. xi. p. 75; Hardouin, t. iii. p. 998; Aguirre, t. ii. p. 625; *Collectio can. eccl. Hisp.* p. 666; Gonzalez, *Coleccion*, etc. t. ii. p. 703 sqq.; Gams, *Kircheng. von Spanien*, Bd. ii. Thl. ii. S. 133–143; Bruns, ii. 84.

[2] Cf. Vitaliani *Ep. ad Paulum Cretensem*, in Mansi, t. xi. pp. 16 and 99.

[3] Mansi, t. xi. p. 115; Binterim, *Gesch. der deutschen Concilien*, Bd. i. S. 407.

[4] Mansi, t. xi. pp. 123 and 163; Hardouin, t. iii. p. 1014; Mabillon, *Annales Bened.* t. i. p. 541, and *De Re diplom.* p. 469.

1. Easter shall be celebrated by all on the Sunday after the fourteenth day of the first lunar month (Nisan).

2. No bishop may encroach on the diocese of another.

3. He may not disturb or rob the convents.

4. Monks may not wander from one convent to another.

5. No cleric may leave his bishop and go to another.

6. Travelling clergy may officiate only with permission.

7. Every year a Synod shall take place, on the 1st of August, at Clofeshooh (Cloveshoe).

8. Bishops rank according to the order of their consecration.

9. With the growth of the Christian population a greater number of bishops is necessary.

10. On marriage and divorce, only in *casu adulterii* and without remarriage.[1]

King Receswinth of Spain was of a great age, and died in the year 672; and the magnates of the kingdom immediately elected as his successor one of their own number, Wamba, a man illustrious for his virtues. He refused the offered crown twice; and only when one of the electors drew his sword and threatened to stab him as the greatest enemy of his country if he should longer refuse, he gave at last his consent, and in the September of 672 was solemnly anointed King, in the Church of SS. Peter and Paul at Toledo, by Archbishop Quiricius. From his head a miraculous pillar of smoke is said to have risen as a good omen, and in the midst of it a bee flew up.

Even the great reputation of Wamba, however, could not prevent the outbreak of several risings in the provinces of Navarre, Asturia, and especially Gallia Narbonensis; and after the King had happily suppressed them in the years 673 and 674, he held, in the year 675, two provincial Synods, the one at Toledo, the other at Braga. Which of the two was the earlier cannot be determined with certainty, as only the one of Toledo is provided with a date, November 7. The Collections of Councils put it before the Council of Braga. Ferreres, in his *History of Spain*, decided for the opposite.

[1] Mansi, t. xi. p. 127; Hardouin, t. iii. p. 1015. Cf. Montalembert, *l.c.* vols. iv. and v.; Schrödl, *l.c.* S. 158.

To me it seems that the two provincial Synods were held almost contemporaneously, as the third Council of Toledo (c. 18) ordered that Synods should be held in the beginning of November. We know, indeed, that the fourth Synod of Toledo (c. 3) wanted to introduce a different date; but, in spite of this, we have since then found that practically the Spanish Synods met mostly in November, and the ninth of Toledo again expressly brought in the beginning of November as the term of meeting (sec. 290, Toledo 9, *ad fin.*).

The eleventh Synod of Toledo, held in S. Mary's Church there, November 7, 675, was attended by seventeen bishops, two representatives of bishops, and six abbots, together with the archdeacon of S. Mary's Church. They all belonged to the province of Toledo, or, as it was called, to the Carthaginian province, and at its head stood the Metropolis Quiricius. In the Preface they give a sad picture of the eighteen years immediately preceding, during which time no Synod had been held (at Toledo), and heresy and incontinence had increased among the clergy. Now, called together by the will of God and the King, they decided to open their transactions with the confession of the true faith. On the first day the Metropolitan read aloud a very complete confession of faith prepared by him, on which the bishops took counsel, with fasting, on the following days; and finally, on the third day, recited it in common. In this symbol, among other things, it is said that the Son of God is Son by nature and not by adoption, *hic etiam Filius Dei* natura *est filius, non adoptione*—in opposition to the Bonosians,[1] and that the Holy Ghost proceeds from the Father and the Son, and is *missus ab utrisque.* Subsequently, in the very complete and beautiful christological division, it is also said of the Son: *Missus tamen Filius non solum a Patre, sed a Spiritu Sancto missus credendus est*, and *a se ipso quoque missus accipitur*, and for this reason, *quod*

[1] The well-known B. Bonosus of Sardica, who denied the perpetual virginity of Mary, is said to have also doubted the doctrine of the Godhead of Christ, and to have maintained that Christ, in His Godhead, was only adoptive Son of God. This would be the direct opposite of the so-called adoptianism, which declared Christ to be merely adoptive Son after His human nature. And, in fact, the Adoptians were conscious of their abrupt antagonism to the Bonosians. See below, sec. 390. Cf. Walch, *Ketzerhist.* Bd. iii. S. 613 sq.

inseparabilis non solum voluntas, sed operatio totius Trinitatis agnoscitur.—No reference is made to the Monothelite question which had already begun to ferment in a high degree.

On the following day, after the unanimous acceptance of this creed, sixteen *Capitula* were drawn up:—

1. Quiet must prevail at the Council, and speech must not be loud; no contention, no laughter, etc.

2. All clerics, particularly bishops, must read diligently in Holy Scripture. The superiors must keep the clergy who are placed under them to this duty, and must instruct the ignorant therein.

3. Worship must everywhere be held as in the metropolis. Only the convents may have some special *officia* with permission of the bishop.

4. The offerings of those who live in enmity are not to be received, and they must do penance twice as long as their enmity lasted.

5. How bishops who have committed deeds of violence, or even homicide, or have appropriated the possessions of others, are to be punished. If they have any property, they must pay from this the compensations prescribed in the (civil) laws, and on the side of the Church they will be punished by temporary excommunication. If, however, they have no property, the compensation may not be paid from the property of the Church, and they themselves must not (as was the case with insolvent laymen) be sold as slaves, but must be punished with twenty days of penance for every ten solidi which they would have to pay as compensation. If a bishop has been guilty of impurity with the wife, or daughter, or any other relation of a magnate (*magnati*), he must lose his dignity, and be for ever excommunicated and exiled. Only at his death communion may be granted to him. The like must be done with those who have intentionally committed murder, or have seriously injured persons of high position.

6. No cleric may pronounce sentences of death, or issue a command for a mutilation.

7. Bishops may impose punishments upon their clergy only according to the ordinances.

8. No cleric may demand, or even accept anything for

baptism, chrism, ordination (*promotionibis graduum*).[1] If this was done with the knowledge of the bishop by his subordinates, he is to be excommunicated for two months. If it happened, however, without knowledge of the bishop, then a priest who has taken anything is to be excommunicated for three months, a deacon four months, a subdeacon and (inferior) clerics must be beaten and excommunicated.

9. Every bishop must, at his consecration, swear that he has not given nor will give money to anyone in order to attain to office. If anyone is discovered to be a simonist, he is to be excommunicated. If he has sorrowfully done penance for two years in exile, he may not only receive communion, but he may be again restored to his office.

10. Every cleric must, before his ordination, promise that he will hold fast the catholic faith, observe the canons, live uprightly, and show reverence and obedience to his superiors.

11. It is permitted to the sick, who, on account of dryness of mouth, cannot partake of the holy bread, to receive only the chalice. This modifies canon 14 of the first Synod of Toledo (vol. ii. sec. 112). But if anyone, who is in good health, takes the body of the Lord out of his mouth, he shall be for ever excommunicated. If an unbeliever does so, he is to be beaten, and for ever exiled.

12. To those who are in danger of death, reconciliation is to be imparted immediately, after, by the imposition of hands, they have been brought into a state of penance. For those, however, who die after receiving penance, but before the reception of reconciliation, divine service may be held (cf. vol. ii. sec. 163; Frank, *Penitential Discipline*, 1867, S. 913; and Kober, *Kirchenbann*, S. 528 sq.).

13. Persons possessed may not serve at the altar.

14. If it is possible, every cleric who sings or offers (says Mass) should have an assistant behind him, who, in case of sickness, may step into his place.

15. Every year a provincial Synod shall be held. The date shall be determined by the King and metropolitan. If

[1] The text has *præmia voluntarie oblata*, not *nisi voluntarie oblata*. In that case even voluntary gifts were not allowed to be received. Other Spanish Synods allowed, however, the acceptance of *voluntary* gifts.

anyone does not appear, he is to be excommunicated for a year. The like punishment is to be inflicted upon all the bishops of the province, if they, not being prevented by the King, let a year pass over without a Council.

16. Honour to God; thanks to the King.[1]

That King Wamba had made a new division of dioceses, is related by all the Spanish historians. A comparison of the division existing after him and before him, however, shows that no great or essential alterations took place under him, but rather, that only some disputes were appeased, some modifications introduced, and the already existing hierarchical division fully fixed.

That this happened precisely at the eleventh Synod of Toledo, is asserted only by a single ancient superscription of this Synod, which is lacking in other MSS. (cf. *Collectio can. eccl. Hispaniæ*, p. 467). In the minutes of the Synod no indication of this point occurs, and it is not to be supposed that a mere provincial Synod would have decided on the division of the dioceses of the whole of Spain.[2]

The provincial Synod at Braga, called *Bracarensis* IV., was attended by eight bishops of Galicia, among them the Metropolitan Leodecisius, and left nine *Capitula*:—

1. In the first, the bishops declare the orthodox faith by setting forth the Niceno-Constantinopolitan symbol (with *ex Filio procedentem*), and enumerate many improprieties existing among the clergy, which are particularly forbidden in the following chapters.

2. It must no longer happen that milk should be used at the holy sacrifice instead of wine,[3] or that a vine should be offered, and its grapes given round (*pro complemento communionis*). Nor shall the holy bread be dipped in the wine, for the Bible speaks (at the institution of the Eucharist) of the bread and wine as separate. In the cup the wine must be mixed with water.

[1] Mansi, t. xi. p. 130; Hardouin, t. iii. p. 1018; Aguirre, t. ii. p. 660; *Coll. can. eccl. Hisp.* p. 467; Bruns, pt. i. p. 305; *Coleccion de Canones*, etc., *l.c.* p. 430 sqq. Cf. Gams, *l.c.* S. 161–165.

[2] Cf. Wiltsch, *Kirchl. Geographie u. Statistik*, Bd. i. S. 288; Pagi, *ad ann.* 675, n. 2, 3.

[3] Galicia and Asturia produced no wine.

3. The vessels of the Church may not be employed for profane use. The like is ordered for the decorations, cloths, etc., of the Church.

4. At the Mass, the priest must wear the orarium, and it must be placed in front over the cross.

5. No cleric must have private intercourse without witnesses, with any other woman than his own mother.

6. Some bishops hang relics on their necks at the feasts of martyrs, and then have themselves borne by Levites in albs to their seats in the church, as if they were the shrines of relics. This must cease; and in the future, as in the past, the Levites shall bear the shrines of relics on their shoulders, as the Old Testament Levites bore the Ark of the Covenant. If the bishop himself wishes to carry the relics, he must go on foot.

7. Priests, abbots, and Levites may not be punished with blows, except in case of serious offences.

8. Simony forbidden.

9. Rectors of churches must be diligent and zealous in caring for Church property.[1]

For some time the episcopal see for Northumbria had been removed from York to the island of Lindisfarne. Aidan, the second apostle of Northumberland, had done this from love of solitude, A.D. 635. The archiepiscopal dignity of the Northumbrian Church went along with this. Almost a half century afterwards Ceadda, and after him Wilfrid, resided again at York, but in subordination to the archbishop of Canterbury. The celebrated Theodore, who then occupied the latter chair, allowed himself to be misled by King Egfrid of Northumbria, A.D. 678, into dividing this country, and so the ancient diocese of York, into four dioceses, so that for Wilfrid only the small diocese of Lindisfarne remained. That this was done at a convention of bishops, and thus at a Synod, is stated by Wilfrid himself. As the latter did not consent to this division, Theodore deprived him even of the Church of Lindisfarne. But he appealed to the Pope, and betook himself

[1] Mansi, t. xi. p. 154; Hardouin, t. iii. p. 1031; Aguirre, t. ii. p. 675; *Coll. can. eccl. Hisp.* p. 630; Bruns, pt. ii. p. 96. Best in the new *Coleccion de Canones*, Madrid, 1849, pt. ii. p. 652 sqq.; Gams, *l.c.* S. 165 f.

to Rome, in order, personally, to defend his cause. Theodore also sent an agent thither, who arrived before Wilfrid; and after the latter at last had come, Pope Agatho held a Roman Synod in October 679. Fifty persons, among them sixteen bishops, were present; and after Wilfrid had related the whole circumstances, and had with much modesty declared that he was willing to consent to the division of his diocese, when it was necessary; only bishops should be given to him with whom he could live side by side; it was then decreed that Wilfrid was to be restored, and that he should, in agreement with the Synod to be held in England, himself select his three assistants (the three bishops of the other dioceses of Northumbria). The archbishop of Canterbury was then to consecrate them, but the three already appointed were to be removed. The proposition was also made (was it adopted?) at this Synod, that in the whole of England there should be twelve bishoprics, and that these should form one province.

Finally, they decreed to send the Roman Abbot and Archicantor (Precentor) John as papal legate to England, to Theodore of Canterbury, that the latter might hold an English Synod for the settlement of the controversies prevailing in England, and for the condemnation of heresy (Monothelitism). At the same time, Pope Agatho sent him, by the Archicantor John, the decrees of the Lateran Synod under Pope Martin I.[1] At the wish of the Pope, Wilfrid remained still longer in Rome, after the departure of the legate, and assisted at that Roman Synod (Easter, 680) by which the plenipotentiaries were despatched to Constantinople for the sixth Œcumenical Council.[2]

[1] Mansi, t. xi. p. 179 sqq., and Hardouin, t. iii. p. 1038 sqq., where there are two accounts of this Synod. Cf. Montalembert, *l.c.* vol. iv.; Schrödl, S. 174; Lingard, *l.c.*

[2] Cf. his subscription of the letter of this Synod in Mansi, t. xi. p. 306, and Hardouin, t. iii. p. 1131; and the notice in Mansi, p. 184, and Hardouin, p. 1044, where it is said that he had been present at the Council of 150 (instead of 125) bishops.

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